

# A CALL FOR CHANGE

Commission of Inquiry into Queensland Police  
Service responses to domestic and family violence

**REPORT**

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## A note to the members of the Queensland Police Service

In preparing this report, I have heard during hearings and read in submissions that you feel undervalued and at times, under siege. I have been told that you feel that you are all being unfairly targeted by the revelations uncovered during this Inquiry.

I have heard that many of you carry the weight of protecting the community over a long period of time, often in difficult circumstances and often without thanks. Many of you feel unappreciated in this work.

This Commission is aware of the work that you do. I am aware that there are many police officers who work without expectation of praise because they sincerely believe that their work is important and that they help the community. That belief is well founded. When you perform your job well, you save lives, you make a difference.

The Commission has never lost sight of that fact.

Do not under-estimate the effect you have on our community. When you turn up to a domestic and family violence situation, you create the possibility of change for the family. Be proud when you act with skill and compassion in that moment. You may not see an immediate change, but it is likely you have played an instrumental role in changing things for the better. You have given someone hope that help is possible, that they will be believed if they reach out. You have given a perpetrator notice that their behaviour will not be ignored. In the course of this Inquiry, I have heard from many members of the public whose lives were changed for the better because of your efforts. I have heard from community groups who have told me that they have noticed and appreciated when you go the extra mile to help them or their clients. They are grateful for the role you play in keeping us all safe.

I hope this report leads to change in the Queensland Police Service. A change that helps you all and supports a change in the culture of the organisation so that all members feel respected and valued. I hope, in turn, that the recommendations assist the organisation to be able to respond to domestic and family violence in a way which provides consistency and sympathy for all persons impacted by domestic and family violence.

**JUDGE DEBORAH RICHARDS**  
**NOVEMBER 2022**

## ABOUT THIS REPORT

The *Commission of Inquiry into Queensland Police Service responses to domestic and family violence* (the Commission) was established on 30 May 2022 by Order in Council (No. 2) of 2022. The Commission's full terms of reference are outlined at Appendix A.

This is a report of the Commission's findings and recommendations. It is intended to be read alongside *Behind the call for change* (2022), a compilation of case studies, perspectives and experiences shared with the Commission by victim-survivors, police and other persons.

Pseudonyms have been used in case studies and other identifying details have been removed to ensure the anonymity of the people involved. Any individuals or organisations named in this report have given their consent to be identified. Many of the extracts in this report come from submissions that were provided to the Commission on a confidential basis. In each case consent has been obtained from the author.

To the extent possible, the Commission has sought to accurately represent the diverse views and experiences that have been shared. The Commission does not necessarily endorse or support the views outlined within this report.

## CONTENT WARNING

Please be advised this report contains language and descriptions that are offensive, disrespectful and demonstrate racism, sexism and misogyny.

Aboriginal and Torres Strait Islander people are advised this report contains references to deceased persons, and examples of experiences of First Nations peoples and language that is disrespectful and offensive to their culture, history, people and communities that may cause distress. The content is sometimes confronting and disturbing.

The examples are included to illustrate the cultural issues that the Commission has discovered in the Queensland Police Service (QPS) during its inquiry and to demonstrate the findings that have been made. The Commission in no way condones or supports the behaviours that are demonstrated.

This report includes details of many forms of violence, and attitudes towards violence and victim-survivors, which may be confronting for readers. Reader discretion is advised.

Throughout this report, case studies are used to reference police actions, activity or instances of domestic violence. All names of individuals and officers referred to in these case studies have been changed to protect the identities of those involved.



## CULTURAL ACKNOWLEDGEMENT

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We pay our respects to the Aboriginal and Torres Strait Islander ancestors of this land, their spirits and their legacy. The foundations laid by these ancestors— the First Nations peoples—give strength, inspiration and courage to current and future generations towards creating a better Queensland.

We pay our deepest respects to Elders past, present and emerging, and their continuing connection to lands, waters and communities, and acknowledge that sovereignty was never ceded.

We walk together on a shared journey of reconciliation where all Queenslanders will be equal and the diversity of Aboriginal cultures and Torres Strait Islander cultures and communities across Queensland are fully recognised, respected and valued by all.

We also give special acknowledgement and thanks to all the Aboriginal and Torres Strait Islander peoples, from all walks of life, who provided their insights, experiences and expertise to the Commission in any way. We thank you for your generosity and courage.



**If you, or someone you know, need support please contact a relevant support service:**

- **1800Respect** is a national 24/7 domestic, family and sexual violence counselling, information and support line – 1800 737 732, <https://www.180orespect.org.au>
- **DVConnect** is a Queensland-wide 24/7 crisis response line for women affected by domestic and family violence – 1800 811 811, [www.dvconnect.org.au](http://www.dvconnect.org.au)
- **DVConnect Mensline** is a support, advice and referral service for men who are seeking support around their experiences or use of domestic and family violence – 1800 600 636 (9am – midnight, 7 days)
- **Mensline Australia** is a national 24/7 counselling support service for men across a range of relationship and wellbeing issues – 1300 789 978, [www.mensline.org.au](http://www.mensline.org.au)
- **Lifeline** is a 24/7 telephone counselling and referral service across a range of support areas – 13 11 14, [www.lifeline.org.au](http://www.lifeline.org.au)
- **Kids Helpline** is a 24/7 counselling service for young people between 5 and 25 – 1800 55 1800, [www.kidshelpline.com.au](http://www.kidshelpline.com.au)
- **Suicide Call Back Service** is a 24/7 crisis and counselling line for anyone who is feeling suicidal or worried about someone's suicide risk – 1300 659 469, [www.suicidecallbackservice.org.au](http://www.suicidecallbackservice.org.au)
- **Queensland Indigenous Family Violence Legal Service (QIFVLS)** is a community legal service that provides free support for Aboriginal and Torres Strait Islander people affected by family violence or sexual assault, established to deliver culturally appropriate services across Queensland – 1800 887 700, [www.qifvls.com.au](http://www.qifvls.com.au)
- **Women's Legal Service Queensland (WLSQ)** is a community legal centre that provides free state-wide legal and social work help to Queensland women. WLSQ provides assistance in domestic violence, family law and sexual violence matters. State-wide Legal Advice Helpline 1800 WLS WLS (1800 957 957), [www.wlsq.org.au](http://www.wlsq.org.au)

The Queensland Police Service also offers wellbeing and support services for members and families throughout their career and beyond – visit [www.ourpeoplematter.com.au](http://www.ourpeoplematter.com.au) or call 1800 Assist (1800 277 478) for confidential counselling provided by an independent employee assistance provider.

The Domestic and Family Violence Media Guide provides information for journalists about responsible reporting of domestic and family violence – [www.justice.qld.gov.au/initiatives/end-domestic-family-violence/resources](http://www.justice.qld.gov.au/initiatives/end-domestic-family-violence/resources)

Guidelines for journalists regarding safe reporting in relation to suicide and mental illness can be found at [www.mindframe.org.au](http://www.mindframe.org.au)

## ACKNOWLEDGEMENTS

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The Commission would like to thank the brave women, men, family, and friends, including members of the Queensland Police Service, past and present, who shared their experiences through submissions, statements, surveys and as witnesses in public hearings.

Although the Commission was established for a short time, the impact for the QPS and the broader Queensland community has been significant. The public conversation has changed rapidly since hearings first commenced.

While the evidence heard by the Commission has at times been confronting and distressing, with every hearing more people came forward to share their perspectives and experiences.

The Commission acknowledges the strength and courage of those who have shared their experiences and extends its gratitude to the multitude of voices that have joined together to make a collective and compelling call for change.

The Commission has been supported by a number of people and organisations in the conduct of its inquiry. Sincere thanks go to the following for their assistance:

- Magistrate Jane Bentley, former Deputy State Coroner of Queensland
- Professor Peter Coaldrake AO
- The Honourable Gerald Edward (Tony) Fitzgerald AC KC
- Scott McDougall, Commissioner, Queensland Human Rights Commission
- Professor Janet Ransley, Director, Griffith Criminology Institute
- Magistrate Terry Ryan, State Coroner of Queensland and Chair of the Domestic and Family Violence Death Review and Advisory Board
- Adam Taylor and Meredith Wilson, The People Game
- The Honourable Alan Wilson KC
- Queensland Government Statistician's Office
- QPS First Nations Reference Group members
- University of Queensland Student Services.

The Commission extends its thanks to the Queensland Magistrates Court and Queensland Land Court for facilitating the Commission's public hearings.



# Commission of Inquiry into Queensland Police Service responses to domestic and family violence

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14 November 2022

The Honourable Anastacia Palaszcuk MP  
Premier and Minister for the Olympics  
1 William Street  
BRISBANE QLD 4000

The Honourable Shannon Fentiman MP  
Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of  
Domestic and Family Violence  
1 William Street  
BRISBANE QLD 4000

The Honourable Mark Ryan MP  
Minister for Police and Corrective Services and Minister for Fire and Emergency Services  
1 William Street  
BRISBANE QLD 4000

Dear Premier, Attorney-General and Minister for Police and Corrective Services,

In accordance with *Commissions of Inquiry Order (No. 2) 2022*, I have made full and careful inquiry into:

- whether, and the extent to which, any cultural issues within the Queensland Police Service (QPS) exist which affect the investigation of domestic and family violence
- whether those issues have contributed to overrepresentation of First Nations peoples in the criminal justice system
- the capability, capacity and structure of the QPS to respond to domestic and family violence
- the adequacy of the current conduct and complaints handling process.

I present to you the Commission's report including our recommendations.

Yours sincerely



Judge Deborah Richards  
**Commissioner**  
**Commission of Inquiry into Queensland Police Service responses to domestic and family violence**



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## FOREWORD

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In 1988 a taskforce was formed in Queensland to examine the issue of domestic and family violence. A key recommendation was the introduction of stand-alone domestic violence legislation. Much has changed since then. The *Domestic Violence (Family Protection) Act 1989* came into effect in August of that year and since then a myriad of reviews, taskforces, reports, and research papers that have followed have examined this issue.

However, a consistent and reliable approach to policing the problem remains elusive.

Police are trained to investigate criminal offending and to arrest those who commit offences. They are trained to protect the community. The evidence of the effect of domestic and family violence on the community abounds. Domestic and family violence is responsible for homicide, suicide and permanent, disabling injury. Victims are left traumatised, homeless, destitute and broken. Children are scarred and grow up with lifelong mental health issues which can manifest in drug use and criminal offending. Our jails are home to many victims of this scourge. Yet this Commission has heard of officers who avoid attending call outs for domestic and family violence, who remark “not another domestic”, who rate the victims on their looks and who joke about their circumstances.

It is true that the policing of domestic and family violence can be complex, but complexity does not seem to inhibit policing of fraud or drug offences. It is true that allegations can be made without other supporting evidence and in the face of a perpetrator’s denials, yet the same issue does not inhibit the arrest of those who commit offences against children.

What is it then that inhibits, that paralyses, some officers when dealing with this issue? Why is it that criminal offending in a domestic setting is, at times, seen as less serious than that same act in other circumstances?

This Commission has found ample evidence that there are cultural issues within the Queensland Police Service which inhibit the policing of domestic and family violence. There is evidence that there is a lack of understanding of the dynamics of, and power imbalance within, domestically violent relationships. There is evidence that there is significant under-resourcing which leads to reactive and at times short-lived reform and, in the frontline, confusion over expectations of performance.

When this Commission began, we expected to receive evidence that there was under-resourcing and gaps in training in the area of domestic and family violence policing, and we did find that evidence initially. However, as submissions were received and evidence gathered, we began to learn that some of the issues were more fundamental than that. The public hearings have caused a light to be shone on the broader culture of the QPS. After the Police Commissioner first gave evidence, the Commission was flooded with submissions from members of the Queensland Police Service with disturbing information about bad behaviour towards colleagues and the community. More evidence was gathered which confirmed what we were being told. Many of the submissions we received expressed gratitude that the culture within the organisation, too long denied, was being exposed. The act of public exposure has, in itself, been a valuable first step towards change in the QPS.

Despite the initial protestations of the Commissioner of Police and the President of the Police Union of Employees, the Commission has found clear evidence of a culture where attitudes of misogyny, sexism and racism are allowed to be expressed, and at times acted upon, largely unchecked. Where complaints in relation to such treatment are brushed aside or dealt with in the most minor of ways and those who complain are the ones who are shunned and punished. It is hardly surprising that these attitudes are reflected then in the way that those police who hold them respond to victim-survivors. It is a failure of the leadership of the organisation that this situation has been allowed to continue over many years unchecked.

It is not the case that all officers fail to understand and respond appropriately to domestic and family violence calls for service. The Commission has heard of many cases of police officers who are dedicated and caring, who act to protect victim-survivors of domestic and family violence as best they can and who respond in innovative ways to improve their lives and hold perpetrators to account. Those officers should be proud of their efforts and deserve to be recognised for the work that they do.

The Commission has been honoured to receive so many submissions and responses to surveys from a wide section of the community and a large number of dedicated members of the police service who have been instrumental in shedding light on the issues raised in this report and who express hope that the leadership of the QPS will accept that change is necessary to create a modern, inclusive and responsive police service.

As Commissioner, I feel very privileged to have worked during this Inquiry with a dedicated team of professionals who, in a short time, have managed to gather and analyse an enormous amount of evidence in our task to uncover the factors inhibiting the police response to domestic and family violence. Without their expertise, care and hard work, this report would not have been possible.

**This report is a call for change.**

**A hope for a different future for the police who serve us and for the community that they serve.**

**A path forward to a consistent response to policing domestic and family violence.**

# THE TRAGEDY OF DOMESTIC AND FAMILY VIOLENCE

THE DESTRUCTIVE EFFECTS OF DOMESTIC AND FAMILY VIOLENCE ARE FELT THROUGHOUT OUR COMMUNITY – FAMILIES ARE DESTROYED, CHILDREN DAMAGED AND LIVES LOST. THE PUBLIC KNOWS WELL THE STORIES OF HANNAH CLARKE AND HER CHILDREN, DOREEN LANGHAM, KELLY WILKINSON, FABIANA PALHARES AND TARA BROWN – LIVES TRAGICALLY CUT SHORT BY THIS SCOURGE.

THEY ARE THE PUBLIC FACES OF A FAR WIDER LOSS. THE INFORMATION BELOW SHOWS A SAMPLE OF SOME OF THE OTHER LESS PUBLIC LIVES LOST. IT DEMONSTRATES THAT WE SHOULD NEVER UNDERESTIMATE THE HUMAN TOLL OF THIS CONDUCT.

**A baby, not yet six months old** died in 2017 after being shaken by his father. His mother, who was his primary carer, had left the home the day before, leaving the boy in his father's care. The family had extensive service system contact around domestic and family violence however there had been limited attempts by services to address the father's abusive behaviour towards the mother and to assess his ability to safely parent.

**A woman in her 60s** died in 2017 after a prolonged assault following her husband's release on police bail for perpetrating domestic and family violence against her. They had been married for 30 years. When he returned to their home he brutally assaulted her over a number of hours, taunting her, slapping her, strangling her, raping her and threatening to kill her. She died some time later as a result of the injuries he had inflicted on her.

**A woman in her late 40s** was killed in 2017 by her male partner of over 30 years within the context of an intended relationship separation, before he took his own life. She had attempted to separate from him on multiple occasions prior to her death, because of the abuse he had subjected her to throughout their relationship. This violence was never reported to formal services however was known to family and friends.

**A man in his 20s** was killed by his female partner in 2018. She was later found guilty of manslaughter. The available information shows that he was the primary perpetrator in the relationship. In the days prior to the homicide, she had attempted suicide after disclosing to others that he had raped her. The couple had had only one previous contact with police in relation to domestic and family violence within this relationship, although she had a previous history, known to police, of victimisation by other persons.

**A young girl in her teens** died by suicide in 2018. In the year prior to her death, she had extensive contact with services to assist her because of child protection and mental health concerns. She was exposed to domestic and family violence in her home, witnessing violence between her parents and being subjected to abuse herself. At one stage, when she was staying with her friend's family, she told child safety officers that she would take her own life if her parents came to collect her.

**A man in his 40s** died by suicide in 2018 after attempting to kill his female partner of over 10 years in a prolonged episode of violence. She had significant injuries when she was found by paramedics. He had subjected her to serious abuse throughout their relationship which was known to services including police. The service response was largely incident based. As a result, the escalating pattern of violence was missed.

**A woman in her 20s** was stabbed and killed by her male partner in 2019. Her child was also injured in the assault that killed her. They had been in a relationship for most of their adult lives and he had perpetrated domestic and family violence towards her during this time. She had previous contacts with services, including police, and had disclosed the abuse she was experiencing to them.

**A woman in her 30s** took her, and her children's, lives in an apparent murder-suicide in 2019. She and her family had extensive contact with services for domestic and family violence and other matters. In the lead up to her death her allegations of domestic, family and sexual violence against her partner were assessed by police and child safety services as being false and vexatious although there was a Protection Order in place listing her as the aggrieved.

**A man in his 40s** died by suicide in 2019 after a confrontation with the mother of his children which resulted in her and the children leaving the home. His death occurred following a long history of escalating domestic and family violence against his female intimate partner. He was supervised by services at the time of his death and was wanted by police, although actions had not been taken to locate him.

**A woman in her 40s** died by suicide in 2019. She was in a relationship with a man who was highly controlling of her and had subjected her to serious violence and emotional abuse throughout their six year relationship. They had limited contact with services in the years prior to her death, however records indicate that she had previously called police for assistance. Her allegations of domestic violence were not investigated. Police thought her allegations were “false and made in an attempt to get back at him.”

**A man in his 20s** died in 2019 because of injuries inflicted by his female partner of 18 months. His death occurred in the context of a verbal argument that led to physical violence between them. She was charged with his murder and later convicted of manslaughter. Their relationship was characterised by violence, which was primarily perpetrated by him against her, and they had contact with services around domestic and family violence and other issues. She had previously attempted to leave the relationship after an episode of physical violence.

**A man in his 30s** died in 2019 within the context of an act of associated domestic and family violence against his father’s former partner. The father had repeatedly breached the Protection Order established within that relationship, which had been reported to police. Officers spoke to him in the hours preceding his son’s death however he was not charged with any of the offending that had been committed against her and reported to them that morning.

**A woman in her 30s** died by suicide in 2020 after a verbal argument with her male partner of five years. During their relationship he had exposed her to a high level of coercive control and abuse which escalated in the year prior to her death. He was extremely jealous, isolated her from her family and friends, and used their young child to control her. They had only limited contact with services.

**A woman in her 40s** was killed in 2020 by her male partner before he took his own life in the presence of their young child. They had been in a relationship for several years which was characterised by domestic and family violence. They did not have contact with services prior to the death however his use of violence in the relationship was known to her friends and family.

**A woman in her 20s** was being violently assaulted in 2020 by her partner when police were called. He confronted attending police and was shot and killed. His death occurred in the context of escalating domestic and family violence by him towards her. She had reported an episode of violence to police the day prior to his death. This was the only contact the couple had with police for domestic and family violence. Records indicate her risk was assessed as “moderate” and she was provided with a referral.

**A woman in her 40s** died by suicide in 2021 at her former male partner’s property. During their short relationship he had subjected her to verbal, physical and emotional abuse. She was engaged with services but had limited contact in relation to the violence she was experiencing.

## EXECUTIVE SUMMARY

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The Commission of Inquiry into Queensland Police Service (QPS) responses to domestic and family violence was established as part of the Queensland Government's response to the recommendations of the Women's Safety and Justice Taskforce in *Hear her voice: Report One* (2021).

The Commission's terms of reference tasked it to inquire into any cultural issues within the QPS that influence the investigation of domestic and family violence, and how those cultural issues contribute to the overrepresentation of First Nations peoples in the criminal justice system. The terms of reference also required the Commission to inquire into the capability, capacity and structure of the QPS to respond to domestic and family violence, and the adequacy of the processes for dealing with complaints about police officers to ensure the community confidence in the QPS.

To assist it with those inquiries, the Commission gathered information from victim-survivors, the community organisations that support them and police officers. It did this using a variety of methods including by calling for submissions, conducting surveys of victim-survivors and police officers, conducting meetings and interviews, holding public hearings and using its powers to require the production of relevant information and records, including from the QPS. The Commission also examined previous reports and reviews of QPS responses to domestic and family violence and engaged experts to inform its understanding of matters relevant to the terms of reference.

The Commission was greatly assisted by the information and perspectives provided by victim-survivors and community organisations. However, what makes the work of this Commission different to previous reviews of QPS responses to domestic and family violence is the extent to which police officers provided information and views about what is working well and what needs improvement.

Police officers have a lived experience of the culture of the organisation. Through the input of police officers, the Commission learned of cultural issues of sexism, misogyny and racism which impact on QPS responses to domestic and family violence. By sharing their experiences and views, police officers also informed the Commission about the impact that resourcing issues, structural limitations, and burnout and fatigue has on the QPS response. Police officers told the Commission that, although most police officers conduct themselves admirably towards their colleagues and victim-survivors, the cultural and structural issues in the organisation mean there is need for improvement in the organisation's response.

Through the information and views shared with the Commission, victim-survivors, community organisations

and police officers all made a call for change and expressed a hope for improvement.

### WHY CHANGE IS NEEDED

Many previous reviews and reports have examined QPS responses to domestic and family violence. The QPS has also undertaken internal reviews and evaluations as part of its delivery of previous initiatives, including as a result of changes made to implement recommendations arising from external reviews.

The most recent review was that undertaken by the Women's Safety and Justice Taskforce (2021). Others have included the review by the Special Taskforce on Domestic and Family Violence (2015), as well as annual reviews by the Domestic and Family Violence Death Review and Advisory Board and various coroners' findings in respect of domestic and family violence homicides.

The previous reviews and reports repeatedly identified a number of issues with QPS responses to domestic and family violence. Those issues include failures by police to act in accordance with legislation and procedures, appropriately assess risk, pursue criminal charges and accurately identify the person most in need of protection. They also identified positive aspects of the QPS response.

Despite repeated findings of similar failures over time, the Commission heard that those failures continue to be experienced by victim-survivors who seek help from police. Not all victim-survivors have a negative experience of police responses to domestic and family violence but, for those that do, the impact can be significant. Negative experiences can leave victim-survivors and their children unprotected and unlikely to seek police assistance again in the future, and perpetrators emboldened. The difficulty is that many do experience a negative response from police and that, overall, police responses continue to be inconsistent and, at times, inadequate.

Victim-survivors and the community organisations that support them said that the inconsistency and, at times, inadequacy of police responses can occur at all stages of the QPS response: when responding to an initial report of domestic and family violence, during an investigation and when taking action, including during court proceedings and when partnering with other agencies.

On the other hand, the Commission heard examples of effective, timely and professional action taken by officers and the significant difference this made for the safety of victim-survivors and their children, and their willingness to continue to engage with police. Additionally, the QPS has introduced changes which have enhanced the policing



of domestic and family violence, particularly where those changes have involved collaboration with other agencies.

The continued inconsistency and, at times, inadequacy of the QPS response to domestic and family violence underscores the critical importance of leadership to improvement in this area. It is clear that there will need to be a sustained and dedicated commitment from a strong leadership to make the improvements that are necessary.

This will, in itself, require change. The Commission heard from police officers that the QPS membership has been abandoned in its efforts to respond to domestic and family violence by a leadership which has failed to match its stated commitment to domestic and family violence with the resources necessary to allow them to do their job well.

The Commission also learned that there is a strong perception among the QPS membership that its senior leadership lacks integrity. This has contributed to low morale in the organisation, including in relation to domestic and family violence responses. In addition, the Commission learned that there is a pervasive culture of fear and silence in the organisation, for which the leadership is ultimately responsible, which prevents officers from speaking up about cultural issues and the changes that need to be made to improve QPS responses to domestic and family violence. If the QPS is to improve, it will be important for the senior leadership to hear and acknowledge the voices of its people who feel abandoned, disillusioned and silenced.

It is unlikely that present and future commitments by the leadership to improving police responses to domestic and family violence will be effective unless it does so.

## THE STRUCTURAL CHANGES NEEDED

Domestic and family violence related calls for service are complex, high volume and stressful. The Commission was told that officers are inadequately trained, insufficiently resourced and face competing time pressures and responsibilities which impact their ability to respond effectively.

The Commission identified a number of issues with the strategic and operational prioritisation of the QPS response to domestic and family violence, including that it lacks the ability to effectively measure the demand for domestic and family violence on the organisation. Without accurate and comprehensive data, the QPS is unable to easily identify and allocate appropriate resources to deliver its services.

While the QPS established the Domestic, Family Violence and Vulnerable Persons Command (the Command) in early 2021 to improve its responses to domestic and family violence, the Command is inadequately resourced to deliver on its stated intent. Because of this, it tends to have a reactive approach, with a limited ability to effectively plan and implement its initiatives. It also struggles to balance its multiple competing priorities as domestic and family violence is just one of its portfolio responsibilities.

Positively, the QPS has also established a Domestic and Family Violence Advisory Group, which includes a range of relevant external stakeholders to support ongoing improvements to QPS responses, but it is important for this Group to be sufficiently empowered to support QPS senior leadership to deliver the changes needed.

Importantly, the QPS has specialist domestic and family violence positions and teams in each district, although they vary in scope and function depending on local resourcing needs and pressures. These roles and teams are intended to:

- coordinate the QPS response to domestic and family violence at station, district and regional levels
- improve the operational support provided to general duties officers
- provide quality assurance and oversight
- act as a point of liaison for external agencies and
- help support local level initiatives.

While submissions from victim-survivors and community organisations generally suggested that specialist police had a better understanding of domestic and family violence than other officers, police submissions and surveys suggest that the roles are inadequately resourced, poorly promoted and do not have the capacity to effectively support general duties officers. Additional issues are encountered when the positions are filled by officers with no specialist training, no capacity to fulfill the requirements of the role or no interest in being in the role.

The variable capacity of specialist units across the state also contributes to dissatisfaction with those units within the organisation.

Domestic and family violence is a complex issue that requires a targeted and specialised response delivered in partnership with other agencies. Significant benefits can be achieved by the QPS when police and specialist services are located together or respond jointly to a domestic and family violence related occurrence. Interagency teams, embedded workers and co-location and co-responder trials in some places have improved the QPS response to domestic and family violence. They can help alleviate some of the resourcing pressures police face, support shared learnings and improve outcomes for victim-survivors and their children.

There is merit in the QPS continuing to trial these types of initiatives and to secure sustainable funding where they are proven to be effective.

While specialist positions and units in the QPS are key to a strong response to domestic and family violence, all police have a statutory responsibility to act when a report of domestic and family violence is made to them.

To do this well, officers must be appropriately trained in the dynamics of domestic and family violence and the actions they are required to take when responding to such violence.



Guidelines and systems, aimed at making the role of the police as simple as possible, need to be in place to support effective responses.

While police officers report that they have a desire and readiness to improve their response to domestic and family violence, they feel that they lack the capacity and resources to meet this challenge. Officers also reported that they are under pressure because of the increased scrutiny of domestic and family violence, and that responding to domestic and family violence is contributing to burnout.

Recent internal surveys by the QPS show that officers feel ill-equipped to respond to domestic and family violence even at the very start of their career. When they reported feeling more confident, this was attributed to junior officers' own personal and professional experiences and not the training provided by the QPS.

The QPS needs a workforce that reflects the diversity of Queensland, who are appropriately trained and supported to do their job. The current recruitment strategy of the QPS needs to be strengthened to ensure it attracts applicants who will be best placed to respond effectively to domestic and family violence. There is also a need to ensure that officers who are responsible for First Year Constable training have the requisite skills, motivation and experience to provide effective mentoring and supervision.

Despite previous reviews and reports highlighting the need for police to be adequately trained, officers told the Commission that they do not feel they are equipped to respond to domestic and family violence related calls for service to the best of their ability. While police do receive training, much of this occurs at an early stage in their career, is not mandatory or is delivered in response to legislative or procedural changes.

Some officers reported that it had been a long time since they had received face-to-face training and that online training was not effective. The evidence received by the Commission showed that where training was being delivered online, officers were not given the additional time needed to complete that training.

The QPS is currently rolling out additional face-to-face domestic and family violence training for officers. It is important that this training addresses the cultural inhibitors to consistent police responses, that the training is delivered to all specialist and frontline officers and that refresher training is delivered regularly.

Many police told the Commission that while training is critical to improve their understanding of domestic and family violence, this needs to be supported by clear guidance and easy to use systems. The Operational Procedures Manual which provides guidance to officers about their legislative and procedural obligations is not clear, accessible or fit for purpose. This makes it difficult for officers to quickly source the information they need to do their job effectively.

While the QPS reported that they were taking steps to address this issue through the development of a stand-alone manual for domestic and family violence, the manual, and other mechanisms to streamline police responses and ease the burden of paperwork associated with responding to domestic and family violence, need improvement.

The development by the QPS of a mechanism for measuring domestic and family violence demand will be a foundational step towards better resources and stronger structures for delivering QPS responses to domestic and family violence.

## THE CULTURAL CHANGE NEEDED

The Commission found evidence that sexism and misogyny is a significant problem in the QPS. For many women this starts at the Academy. So much so that a female trainer at the Academy has, for the last ten years, been speaking to female recruits about how to maintain their reputation and credibility in the organisation. Female recruits are warned that while most male officers are respectful, some are occasionally predatory.

Police officers told the Commission about incidents of sexist language and behaviours, sexual harassment, assaults and even, in a small number of cases, rape by male officers against their female colleagues. In addition, there is a strong perception among police officers that women are not treated fairly when it comes to job opportunities and promotions within the QPS.

The Commission identified that there is under-reporting of conduct which stems from sexism and misogyny because of the culture of fear and silence in the organisation. That culture of fear silences officers who experience the negative conduct as well as those who witness it. Where complaints of such conduct have been made and substantiated, the Commission found that, often, such conduct results in minimal action for the police officer who engaged in the conduct. On occasion, there has also been significant adverse consequences for the officer who made the complaint. Officers who make complaints are often bullied and shunned or unsupported by the organisation and, in that way, the culture of silence continues.

The Commission identified multiple cases where reports of sexual harassment and sexist conduct were finalised by way of Local Management Resolution by the QPS. Local Management Resolution usually involves a conversation between the officer complained about and their supervisor, with or without additional requirements for training, supervision or other remedial action. This is an inadequate response which is meant to be used only in the case of minor errors that are unlikely to be repeated and are not indicative of a course of conduct. Not only does the use of Local Management Resolution for sexist and misogynistic conduct have the effect of confirming the perception by QPS members that there is little point in making a report, it also sends a message that the organisation does not consider such conduct to be serious. Use of Local Management Resolution for such conduct thereby creates the conditions in which sexism and misogyny can continue and flourish.

While there have been some efforts towards improvement by the QPS including by the establishment of Project Juniper, which found and aimed to address evidence of protracted bullying and sexual harassment in the organisation, they have not achieved the improvements required. An evaluation of Project Juniper found that there were high levels of dissatisfaction with it, including because of the use of Local Management Resolution to deal with poor conduct. In short, it was seen as a toothless tiger. The current replacement for Project Juniper is also encountering problems with its operational capacity.

QPS members told the Commission about the ways in which sexist and misogynistic attitudes impact negatively on QPS responses to domestic and family violence, which include the use of sexist language and dismissive behaviours by police officers. The Commission also heard that recent failures by the QPS leadership to address sexist comments by senior leaders compounds the issues of sexism and

misogyny by failing to set a tone for the organisation which clearly signals that such conduct is unacceptable.

The QPS leadership is responsible for setting the ethical tone for the organisation. In addition to the requirement that its leaders lead by example, there is also an obligation that senior leaders create a culture where employees are prepared to report misconduct and are supported when they do. Failures by the QPS leadership on both fronts make the issues of sexism and misogyny difficult to overcome.

The Commission also identified that, in some cases, officers' values, attitudes and biases impact the QPS response to domestic and family violence. Submissions, statements and survey responses from police officers confirmed that the inconsistent and, at times, inadequate police responses sometimes stem from negative attitudes towards women or a belief in various myths about domestic and family violence.

These include a general distrust of women and a corresponding failure to undertake appropriate investigations or take protective action. Police officers identified that there is a perception among some officers that false or frivolous complaints are often made by female victim-survivors to gain advantage or for revenge when a relationship ends, despite there being no evidence of this occurring to the extent necessary to support such a belief.

Many officers also feel frustrated at the emphasis on the impact of domestic and family violence on women, even though the gendered nature of such violence is now uncontroversial. The Commission heard that police often do not understand the power dynamic in domestically violent relationships that drives the gendered nature of the violence. Accepting that there are distinct gendered patterns in the perpetration and impact of this type of behaviour does not negate the impact on those people whose experiences are not reflective of this pattern.

At times, officers have a dismissive attitude towards women who do not fit the stereotype of the 'ideal victim'. This can manifest in situations where the victim-survivor does not cooperate with police, returns to the relationship or refuses to leave the relationship, or uses resistive violence. Such attitudes can leave victim-survivors unprotected or result in them being misidentified as the perpetrator in the relationship. Further, police officers can, at times, be dismissive when victim-survivors try to make a report of violence at a police station, a situation which is further complicated by a lack of privacy for victim-survivors when they are required to disclose their experiences at the front counter.

QPS members who are victim-survivors of domestic and family violence told the Commission about their experiences of poor responses by their colleagues. In addition to the distress of not being believed or receiving a poor response to their complaint, female QPS members in this situation must also consider if speaking up will lead to career disadvantage and bullying.

This problematic organisational culture towards officers who experience domestic and family violence was confirmed in various QPS case files that show a number of instances in which female QPS members, and other victim-survivors, who had experienced domestic and family violence at the hands of male QPS members were not properly supported and their perpetrators not adequately held to account.

It is not only negative attitudes towards women that contribute to poor QPS responses to domestic and family violence. There are often shortfalls in its response to

domestic and family violence when one or both of the parties identify as First Nations, LGBTIQ+, have a culturally or linguistically diverse background, are young or elderly, have a cognitive, intellectual, or physical disability, are experiencing mental health issues or have other complex needs. Submissions received by the Commission highlighted the importance of recognising how a person's identity, experiences and vulnerabilities may intersect to elevate their risk of domestic and family violence, compound existing harms and impact the way they engage with, or seek support from, services including the police. Further training to ensure police are aware of the differing needs of the community and how to address those needs in a sensitive and responsive manner is needed.

Police officers also identified that a cultural aversion towards responding to domestic and family violence itself, irrespective of any attitudes or beliefs about the people involved, can also be a driver for poor responses.

There can be various causes for this. Some police officers believe that members of the public do not understand or appreciate the work police do in responding to domestic and family violence. They may resent attending domestic and family violence calls for service when they believe it is a thankless task or that it is not 'real' police business.

Other police officers feel a sense of futility about their response to domestic and family violence because they believe that their actions do not make a difference. Still other police officers are sensitive to criticism of their efforts, both from within the organisation and from the media, and at times operate from a place of fear as a result. They also reported that they rarely receive positive feedback when they respond well to domestic and family violence.

A substantial proportion of police officers report a sense of fatigue and burnout in relation to domestic and family violence matters, either because of these attitudes and beliefs, the sheer workload, or a combination of both. The result is that police officers can be reluctant to respond to domestic and family violence related calls for service or requests for help at station front counters.

The QPS leadership has known for some time that there are areas of cultural aversion in relation to domestic and family violence within the organisation. While adequate resourcing and improved training and systems may assist in addressing officers' attitudes towards domestic and family violence, it is also important that the QPS acknowledges those officers who respond well, in order to help in reducing officer burnout.

## A FIRST NATIONS FOCUS ON CHANGE

Queensland's colonial history and the associated violence inflicted upon First Nations peoples, communities and culture, continues to have a profound ongoing impact on First Nations peoples and their relationships with the police.

The QPS has not sufficiently prioritised developing cultural capability within the organisation, with a recent survey showing that its members lack the foundational knowledge to understand the impacts of colonisation, racism and other historical and contemporary issues that shape how First Nations peoples experience police. As a result, QPS responses, at times, lack cultural awareness which leads to responses that do not always meet community expectations.

The intergenerational distrust and fear of police that is experienced by First Nations peoples and communities is compounded by their contemporary experiences of negative interactions with police.

Inherent distrust and fear of police means that First Nations peoples face additional barriers to reporting domestic and family violence to the QPS. This results in interactions between police and First Nations peoples often taking place at crisis point. First Nations victim-survivors may also be more likely to use resistive violence to protect themselves when they do not feel that it is culturally safe to make a report to police.

Beyond this initial crisis point, there are limited alternate options available to make a report outside of a police station. For First Nations victim-survivors a police station is not a culturally safe place for them to seek assistance or safety.

In addition to these identified barriers to reporting, the Commission found that racism is a significant problem within the QPS. It manifests in unfair and discriminatory behaviours directed toward First Nations QPS members, Police Liaison Officers, officers from other cultural backgrounds and members of the community. The culture of fear and silence in the QPS operates to inhibit the making of complaints which means that racism is likely to be under-reported.

The QPS has not always dealt with racist conduct in an appropriate manner. The Commission has seen cases where reports of racist conduct were finalised by way of Local Management Resolution. The use of Local Management Resolution for racist conduct has the effect of confirming the perception of QPS members that there is little point in making a complaint. When the QPS response does not send a clear message that racism will not be tolerated, it fails the members who suffered as a result of the conduct and it fails the membership as a whole.

In addition to the issue of overt racism, the Commission found that the QPS has not always managed to provide a culturally safe workplace for First Nations members. The QPS has very few officers who identify as First Nations at senior levels. The cultural capability of the organisation can be enhanced by workplace diversity and it is vital that First Nations peoples are employed at the QPS, including at a senior level.

The QPS has taken some steps to build the cultural capability of the organisation, including through the development of a First Nations Reference Group and a First Nations and Multicultural Affairs Unit. However, both these groups have been under utilised by the QPS.

The First Nations Reference Group has the potential to perform an important function in providing community and expert advice to the QPS to assist in improving its cultural capability and its relationships with First Nations peoples and communities. Its role should be strengthened, and there should be a mechanism by which the Executive Leadership Team receives timely information about the Group's advice to the QPS.

The First Nations and Multicultural Affairs Unit also has the potential to play an important role in enhancing the cultural capability of the QPS. While the staff of the Unit are hard-working, dedicated and passionate, the Unit's effectiveness is constrained by limitations in its structure and resourcing, including the largely temporary nature of its staffing arrangements. The First Nations Unit has not been staffed with many First Nations employees, which is another barrier to ensuring the responses by the QPS are culturally safe. Placing the First Nations and Multicultural Affairs portfolios together in the one unit does not properly prioritise the needs and interests of either group.

The current limitations faced by the Unit means that it has been unable to provide the strategic direction necessary to drive improvements in cultural capability and other initiatives to improve relationships between the QPS and First Nations peoples and communities.

The Commission obtained data from the QPS, the Department of Justice and Attorney-General and Corrective Services which demonstrated that First Nations peoples are overrepresented, both in the civil system in which Protection Orders are made, and in the criminal justice system where breaches and domestic and family violence related offences are dealt with.

In considering how cultural issues impacting the QPS investigation of domestic and family violence contribute to the overrepresentation of First Nations peoples the Commission identified that First Nations peoples are both over-policed and under-policed. This practice, combined with an increased focus on policing domestic and family violence and other cultural issues within the QPS, has contributed to the overrepresentation of First Nations peoples in the criminal justice system.

Common police practices, attitudes and beliefs particularly disadvantage First Nations women, who may be misidentified as the perpetrator of domestic and family violence and/or may not be identified or properly supported as a victim-survivor of domestic and family violence.

Protection Orders that are not tailored to the relationship can become counter-productive. This is especially the case in smaller communities where there are impractical or unnecessarily onerous conditions, or the conditions are not properly understood by the parties. Community Justice Groups can potentially play an important role in advising on appropriate conditions for a Protection Order and in ensuring the parties understand its impacts where either party identifies as First Nations.

Inadequate access to legal representation and assistance is prevalent in regional and remote communities which compounds the systemic disadvantages faced by First Nations peoples who live in these communities. In these areas access to services generally remains a significant issue for the community and the police who service that community.

It is essential that the QPS works collaboratively with community-based organisations and other relevant persons to respond to domestic and family violence, particularly in rural and remote areas, where communities may be more tight-knit and lacking in local resources and support services. For First Nations peoples, community-led models have the potential to produce culturally intelligent, and therefore more effective, domestic and family violence responses.

For QPS members to work effectively with and in a community, they must have an understanding of the community's culture, history, relationship with police and unique needs. This is true of all communities, but particularly essential for discrete First Nations communities or areas where there is a high First Nations population. Any cultural induction should be tailored and specific to that community and should be delivered by a person with cultural authority.

Police Liaison Officers play a critical role in service delivery, community relationships and the provision of expert cultural advice to the QPS. Their responsibilities vary considerably from region to region; however, they do not receive adequate training, particularly in relation to domestic and family violence.

In some areas of Queensland, Police Liaison Officers represent the only permanent QPS presence in a community. This means that at times they are required to respond to crisis situations where it may be some time before other police can arrive. The roles are inadequately resourced, and arguably inadequately protected and empowered, to be able to fulfill this function.

The Commission identified a number of positive community-led projects and community-centric policing initiatives that have been built and are carried out in partnership with First Nations community-controlled organisations and communities. These appear to be working well, and while the specific approach differs dependent on each particular community, there are opportunities to learn from them to deliver improvements to other areas of Queensland.

## **BARRIERS TO CHANGE**

The problems of sexism, misogyny and racism in the QPS cannot be meaningfully addressed without a robust conduct and complaints system. Police officers need to feel confident that they can make a complaint about conduct which stems from those, or any, cultural issues in the organisation without fear of retribution. A robust system is also necessary to ensure that all complaints made by, or against, individual police officers will be independently and fairly investigated.

To ensure community confidence in the QPS, community members also need to be confident that when they make a report about police conduct, it is independently and effectively investigated and dealt with.

Queensland currently has a civilian review model for assessing complaints about police. The QPS investigates most complaints against police officers but with oversight from an independent body, namely the Crime and Corruption Commission (CCC). While the CCC is independent, in practice the vast majority of complaints are referred to the QPS for investigation with limited or no further oversight by the CCC.

The Commission found evidence of a lack of independence in the internal QPS conduct and complaints system, including because of insufficient safeguards to manage conflicts of interest and ensure the independence of investigations. Investigating officers and entities in the QPS are not siloed from cultural issues in the QPS more broadly, and this can also compromise the independence and effectiveness of the internal conduct and complaints system.

Amendments to the conduct and complaints system in 2019 were made to enable new management practices to identify and address behaviour and improve performance in a timely manner. Local Management Resolution was entrenched in the legislation. It was intended to be a mechanism to deal with minor, isolated behaviour and performance issues.

While the resolution of complaints by Local Management Resolution appears to have improved the timeliness with which complaints are resolved, Local Management Resolution is over-used. In fact, in respect of matters which are not dismissed without further action being taken, Local Management Resolution is used to deal with 83% of complaints. It is often used to deal with serious conduct stemming from sexism, misogyny and racism or systemic bullying.

Drawbacks with the use of Local Management Resolution in such circumstances include that they amount to missed opportunities to improve the organisation's culture, often

fail to bring about behavioural change and fail to provide support to the victim. The Police Commissioner accepts that the Local Management Resolution system is broken.

Moreover, the conduct and complaints system is ineffective in bringing about thorough and robust investigations. The use of standard investigative assessment tools do not seem to be applied to complaints against police members. The Police Commissioner accepts that it appears that, when complaints are based on 'word against word', they are almost inevitably written off as unsubstantiated. In this way, the conduct and complaints system is unfairly biased towards the officer facing investigation. A disciplinary system where police investigate police, who are sometimes friends and workmates, simply does not result in a fair system.

The conduct and complaints system is not sufficiently accessible, responsive or transparent to ensure community confidence in the QPS or, for that matter, to ensure that police officers maintain confidence in their own organisation.

The failings of the current conduct and complaints system are so great, and the risk that the system will fail to protect against serious misconduct is so significant, that a different approach is needed. The current system should be replaced with an independent Police Integrity Unit which sits within the CCC and independently investigates complaints against police officers. Such a system will benefit the QPS, its police officers, and the members of the community who deserve to have full confidence in the police who serve them.

## **MONITORING THE CHANGES**

One of the recommendations made by the Women's Safety and Justice Taskforce was that an independent implementation supervisor be established to monitor the implementation of the recommendations that it made.

The Commission supports the establishment of an independent implementation supervisor and considers that the supervisor should be tasked with monitoring the recommendations made by the Commission to ensure that they are implemented in a timely way, and in a way that is most likely to achieve long-term and sustainable change.

This will ensure that there is appropriate alignment between other recommendations made to the QPS by the Taskforce and that recommendations in this Report are delivered as intended.

In its second report, the Taskforce concluded that the establishment of a victims' commissioner as an independent statutory officer was necessary to fill a significant gap in the protection and promotion of victims' rights in Queensland.

While its mandate was intended to include all victims of crime, the Taskforce recommended that the victims' commissioner have a specific and dedicated focus on victims of domestic, family, and sexual violence and First Nations victim-survivors.

In light of the evidence heard by the Commission about victim-survivors who have had negative experiences of police responses to domestic and family violence, and negative experiences of making complaints about those poor responses, the Commission supports that recommendation. In particular, the Commission considers that a deputy commissioner role should be dedicated to victims of domestic and family violence. The deputy commissioner will be able to assist individual victim-survivors, and also monitor systemic issues and trends in relation to police responses to domestic and family violence.



## RECOMMENDATIONS

The Commission was established at a time of great change for Queensland. Recommendations from the Women's Safety and Justice Taskforce *Hear her voice: Report One* (2021), including in relation to the introduction of a criminal offence of coercive control, are intended to ensure the justice system shifts from being incident-focused to recognising and responding to domestic and family violence as a pattern of behaviour over time.

It is critical that this is done well. Police are the gatekeepers to the justice system, and their response can reduce or prevent future violence for victim-survivors and their children, hold perpetrators to account and, at times, save lives. If their response is performed poorly, it can embolden the perpetrator and drive the victim-survivor further away from help.

It is essential that organisational structures are in place so officers can respond effectively to domestic and family violence, and that strong, independent systems are established to address any harmful cultural issues in the Queensland Police Service.

The QPS cannot do this alone. The Queensland Government has accepted, or accepted in principle, all 89 recommendations made in the Women's Safety and Justice Taskforce *Hear her voice: Report One* (2021). These recommendations were designed to increase community awareness, improve primary prevention, improve system responses and establish governance, reporting and accountability mechanisms.

The Commission was required to have regard to these in the making of its recommendations. In *Report One* (2021), the Taskforce made eleven recommendations of direct relevance to the QPS which included that police should:

- develop and implement a transformational plan to support officers to address widespread culture, values, and beliefs within the QPS in relation to domestic and family violence<sup>1</sup>
- continue to develop and deliver ongoing, evidence-based and trauma-informed training at all levels, aligned with broader whole of system training and education<sup>2</sup>
- further build specialist expertise to ensure state-wide capacity and capability to respond to domestic and family violence,<sup>3</sup> including in remote regions of Queensland<sup>4</sup> and by providing Police Liaison Officers with the capability and authority to serve relevant documentation<sup>5</sup>
- review and update all relevant operational policies and procedures to ensure they support the identification of, and response to, domestic and family violence over time within the context of a relationship<sup>6</sup>
- support the trial and evaluation of an appropriately resourced co-responder model, which includes a focus on meeting the needs of First Nations victim-survivors and perpetrators<sup>7</sup>
- review its risk assessment processes in consultation with First Nations stakeholders and people with a lived experience to ensure that they are fit for purpose<sup>8</sup>
- develop and implement a victim-focused and trauma-informed complaints process that allows victims to make a complaint against QPS personnel safely and confidentially.<sup>9</sup>

While the Queensland Government is yet to respond to the Taskforce's *Hear her voice: Report Two* (2022), which considered the experience of women and girls in contact with the criminal justice system, *Report Two* (2022) included additional recommendations for the QPS which are relevant to the scope of this Inquiry.

These include the development and implementation of training for staff working in communication centres and on the front-counter,<sup>10</sup> reviews of relevant policies and procedures,<sup>11</sup> and the appointment of a victims' commissioner to uphold and protect the rights of victims.<sup>12</sup>

The Commission acknowledges and supports all the recommendations made by *Report One* (2021) and *Report Two* (2022) that have been directed to, or made about, the QPS.

In considering further recommendations to improve the QPS response to domestic and family violence, the Commission recognises the need for both immediate and longer-term change. While much could be done, previous implementation efforts by the QPS have been hampered by a lack of resourcing and reactive, short-term processes.

Often the simplest changes can have the biggest impact. The QPS needs to listen to its members and be accountable to them and to the broader community.

Accordingly, recommendations made by the Commission in this Report are intended to achieve direct, timely and measurable changes to improve QPS responses to domestic and family violence.

The Commission has nominated timeframes for the implementation of its recommendations in recognition that some will require additional planning and further funding. Collectively they are intended to support the structural and cultural changes required in the QPS to ensure that its members are best positioned to respond to domestic and family violence.

The Commission's terms of reference also required it to identify which recommendations should receive the highest priority. The four highest priority recommendations include those that seek to:

- build the capacity of the QPS to measure and respond to demand for domestic and family violence (Recommendation 1)
- strengthen the understanding and skills of QPS members through robust and regular training (Recommendations 14, 16, 17, 28, 32, 41, 42, 49, 55, 56, 59)
- embed partnerships with the Domestic and Family Violence Advisory Group and First Nations Reference Group (Recommendations 5 and 45 respectively)

- establish an independent Police Integrity Unit to create the necessary cultural shift within the QPS (Recommendations 68 to 74).

Importantly, within its broad mandate, the QPS will continue to face a range of organisational pressures and shifting priorities. For genuine change to occur the QPS must be able to move beyond symbolic gestures and withstand its propensity to be reactive to internal and external pressures. It must be able to engage meaningfully with its own members about the findings and recommendations of this Report, and to respond to this clear and compelling call for change from police, victim-survivors, and the organisations that support them.

## RECOMMENDATIONS

### Recommendation 1

Within six months, the Queensland Police Service develop and implement a mechanism for measuring domestic and family violence demand and the effectiveness of police responses to domestic and family violence.

### Recommendation 2

Within 12 months, the Queensland Police Service identify, using the mechanism for measuring domestic and family violence demand, the further additional funding and Full Time Equivalent positions needed to meet that demand.

### Recommendation 3

Within 18 months, the Queensland Government allocate the funding and Full Time Equivalent positions identified by the Queensland Police Service as being required to meet the demand of responding to domestic and family violence.

### Recommendation 4

Within six months, the Queensland Police Service strengthen the resource model of the Domestic, Family Violence and Vulnerable Persons Command to enhance its strategic capacity by:

- determining and allocating adequate funding to the Command
- transitioning all allocated positions to permanent positions
- building the Command's capacity and capability for undertaking research and intelligence activities
- building the Command's capacity and capability for undertaking advocacy and cultivating partnerships.

**Recommendation 5**

Within three months, the Queensland Police Service elevate the role of the Domestic and Family Violence Advisory Group by ensuring that:

- the Advisory Group is co-chaired by the Assistant Commissioner, Domestic, Family Violence and Vulnerable Persons Command and one community organisation member
- the meeting agenda contains a standing agenda item for members to report any issues about police responses to domestic and family violence to the Command
- the Advisory Group makes recommendations about those issues for the Command to consider to enhance police responses to domestic and family violence
- the Command report on those issues and recommendations, and any actions taken by the Command, to the Executive Leadership Team after every meeting.

**Recommendation 6**

Within six months, the Queensland Police Service establish permanent, full-time positions with designated position descriptions detailing the functional responsibilities for:

- Domestic Violence Liaison Officers where demand requires it
- Domestic and Family Violence Coordinators.

**Recommendation 7**

Within 18 months, the Queensland Police Service establish a Domestic and Family Violence Vulnerable Persons Unit in each district, which, at a minimum, maintains a 24 hours per day, seven day on call response capability and includes High Risk Team members, Domestic and Family Violence Coordinators, detectives to investigate domestic and family violence occurrences, and, where practicable, domestic and family violence support workers from community organisations.

**Recommendation 8**

Within six months, the Queensland Police Service evaluate the application of the approved sector-wide common risk assessment framework for internal use.

**Recommendation 9**

Within 12 months, the Queensland Police Service formalise a trial of repeat calls for service partnerships across at least three districts based on the approach and learnings of the Logan model and at the conclusion of the trial, arrange an independent evaluation of the model to determine whether it is suitable for implementation in other districts across the state.

**Recommendation 10**

Within 12 months, the Queensland Government support integrated approaches to domestic and family violence at a local level by:

- providing sufficient recurrent funding to establish embedded domestic and family violence support workers in police stations wherever domestic and family violence services are available
- requiring that this arrangement is formalised through written agreement between the Queensland Police Service and the domestic and family violence service provider/s.

**Recommendation 11**

Within 12 months, the Queensland Police Service review its recruitment strategy to ensure that it:

- values applicants who have an interest in domestic and family violence policing
- attracts applicants from a diverse range of backgrounds and experiences, particularly from rural and remote locations
- attracts applicants from diverse cultural and linguistic backgrounds, particularly First Nations peoples
- targets applicants with an interest in criminology, social work, counselling, or other relevant human services
- accurately reflects the role of police in responding to domestic and family violence.



#### **Recommendation 12**

Within six months, the Queensland Police Service engage the Queensland Human Rights Commission to:

- review the Queensland Police Service practices and procedures for recruitment of its members, including to identify any drivers of inequality within Queensland Police Service members
- provide consultation and advice to the Queensland Police Service to develop revised strategic and operational plans to increase diversity and inclusion of Queensland Police Service members, including to increase the recruitment and retention of women, culturally and linguistically diverse, and First Nations members. The strategic and operational plans be finalised within 12 months of the commencement of the engagement of the Queensland Human Rights Commission and be published on the Queensland Police Service website
- conduct an evaluation to measure the extent to which the objectives of the revised strategic and operational plans have been met within 24 months of the finalisation of the plan. The outcomes of the evaluation be published on the Queensland Police Service and Queensland Human Rights Commission websites.

#### **Recommendation 13**

Within six months, the Queensland Police Service develop and implement a requirement that Officers in Charge must appoint Field Training Officers who possess appropriate skills and experience and standards of integrity, including having:

- at least two years of operational experience
- no pending, current or previous domestic and family violence order history
- no complaints history of concern
- a demonstrated capacity to respond effectively to domestic and family violence
- a proven ability to develop suitable training skills.

#### **Recommendation 14**

Within 12 months, the Queensland Police Service engage people with lived experience and specialist domestic and family violence advocacy groups or services to deliver face to face training in relation to domestic and family violence at the Academy and for ongoing training.

#### **Recommendation 15**

Within three months, the Queensland Police Service develop and implement a procedure which requires Officers in Charge to ensure that all frontline officers who attend domestic and family violence occurrences meet with a designated senior officer to receive feedback in relation to a sample of their body worn camera footage at least every six months.

#### **Recommendation 16**

Within 12 months, the Queensland Police Service improve its training in relation to domestic and family violence by ensuring all relevant programs address:

- legal and evidentiary thresholds for the making of Protection Order applications and the laying of associated criminal charges
- required information that must be included in Protection Order applications, including how to address the question of why the order is necessary or desirable
- the differences between the evidence required for criminal proceedings and domestic and family violence civil applications
- the inherent seriousness of proven breaches of Protection Orders and the significance of breaches in proving a course of conduct
- the information that should be included in objection to bail affidavits when criminal charges are commenced and bail is opposed
- the considerations relevant to whether to commence criminal charges when considering what action to take in response to domestic and family violence
- the dynamics of power and control, and the need to view domestic and family violence as a pattern over time, when responding to, and investigating, domestic and family violence
- victim-centric, trauma-informed, approaches to responding to and investigating domestic and family violence (including clear definitions and explanations of such terminology)
- when to use, and how to access, interpreters when responding to and investigating domestic and family violence.

**Recommendation 17**

Within three months, the Queensland Police Service develop and implement a procedure which requires members in the following designated roles to undertake the specialist five-day domestic and family violence training:

- High Risk Teams
- Police Communications Centre
- District Duty Officers
- Officers in Charge
- Shift Supervisors
- Domestic and Family Violence Coordinators and Officers
- Domestic Violence Liaison Officers
- Members of the Domestic, Family Violence and Vulnerable Persons Command.

The procedure should stipulate that persons already in those roles (in a permanent or acting capacity) complete the training within 24 months and persons appointed to those roles after the procedure is operational complete the training within six months of appointment.

**Recommendation 18**

Within 12 months, the Queensland Police Service review the adequacy of the Operational Procedures Manual to direct and guide police responses to and investigation of domestic and family violence. The review is to include the involvement of a representative group of frontline officers, including a sample of Sergeants and Senior Constables who lead in the field.

**Recommendation 19**

Within six months, the Queensland Police Service develop a pocket-sized checklist for use by officers responding to domestic and family violence which outlines the steps that must be undertaken when attending to a domestic and family violence occurrence.

**Recommendation 20**

Within 12 months, the Department of Justice and Attorney-General amend the *Domestic and Family Violence Protection Act 2012* by repealing section 113(3)(c) of the Act.

**Recommendation 21**

Within 12 months, the Queensland Government provide, by necessary legislative amendment, that the video recorded evidence trial be expanded across the state, pending a positive evaluation of the trial.

**Recommendation 22**

Within 12 months, the Department of Justice and Attorney-General investigate the feasibility of amending the *Domestic and Family Violence Protection Act 2012* to allow for electronic service of Police Protection Notices and Temporary Protection Orders in appropriate circumstances.

**Recommendation 23**

Within 12 months, the Queensland Police Service establish a dedicated district level Victim Liaison Officer scheme to support people named as aggrieved persons in Protection Order applications or related summary prosecutions by the Police Prosecution Corps by providing them with information about Protection Order proceedings, any summary prosecutions by the Police Prosecutions Corps, and facilitating access to support services.

The established scheme must include appropriate guidelines outlining functions; the induction, and ongoing training commitment; formalised partnership arrangements with victim advocacy and support services; and a 12-month post-establishment evaluation.

**Recommendation 24**

Within six months, the Queensland Police Service engage an external expert to advise on the development and implementation of procedures designed to raise awareness of sexual harassment, including how to identify it and how to report it, and its adverse consequences for all Queensland Police Service members.

### **Recommendation 25**

Within six months, the Queensland Police Service develop a scheme whereby any Queensland Police Service member who makes a complaint about conduct arising from sexism, misogyny or racism is allocated a Peer Support Officer with the concerned party's consent, and of a more senior rank than the concerned party and the subject member, to support the concerned party through the complaint process.

### **Recommendation 26**

Within six months, the Queensland Police Service establish a validated Ethical Health Scorecard aligned with that originally recommended by the Report by the Independent Expert Panel (2011), *Safe, Effective, Transparent, Strong: An independent review of the Queensland complaints, discipline and misconduct system*, including at a minimum:

- prioritisation of valid measures for 'culture of fear' to support monitoring, prevention, and remedial efforts to reduce its influence within the organisation
- integration of the Scorecard into quarterly strategic reporting and analysis to the Executive Leadership, including interpretation of the implications for leadership action
- inclusion of the Scorecard and its utility into management and leadership programs in recognition of their role in reducing the culture of fear and building ethical health
- establishment of annual reporting of the Ethical Health Scorecard and the de-identified outcomes of disciplinary processes commenced within the reporting period, including those still under consideration and those resolved using Local Management Resolution
- engagement of an independent external evaluator to assess after 12 months:
  - the validity, utility and impact of the Scorecard
  - the Scorecard's implications, including capacity to reduce the culture of fear and build management's awareness of their role in building ethical health
  - the Scorecard's success in informing leadership action
  - the integration of the Scorecard into the broader organisational integrity framework.

### **Recommendation 27**

Within 12 months, the Queensland Police Service ensure that all documents, policies and procedures relating to domestic and family violence prominently and clearly acknowledge that domestic and family violence is a gendered issue which is grounded in structural issues and power imbalance.

### **Recommendation 28**

Within 12 months, the Queensland Police Service improve its training in relation to domestic and family violence by ensuring all relevant programs contain clear messaging that:

- dispels myths that women frequently make up allegations of sexual assaults and domestic and family violence
- dispels myths that domestic and family violence is not a gendered issue
- dispels myths that an ideal victim exists
- explains the dynamics of power and control in relationships characterised by domestic and family violence
- reinforces the need to investigate domestic and family violence as a pattern of behaviour over time
- reinforces the need to consider the individual personal characteristics of the people in the relationship under investigation and account for those particular characteristics in investigations.

### **Recommendation 29**

Within six months, the Queensland Police Service improve the processes for reporting domestic and family violence at police stations by:

- requiring all stations to designate a private, safe and secure area for all persons presenting for domestic and family violence matters
- amending the Operational Procedures Manual to mandate that designated areas are used for all enquiries, discussions, reports and interviews with persons presenting for domestic and family violence matters
- requiring a professionally designed A3 notice advertising the availability of that private area produced by the Domestic, Family Violence and Vulnerable Persons Command, be prominently displayed at the front of all police stations.

### **Recommendation 30**

Within 12 months, the Queensland Police Service develop and implement a requirement that members who are respondents to a Domestic Violence Order complete a mandatory domestic and family violence informed assessment and, if considered desirable by the assessor, counselling, prior to their return to normal duties.

### **Recommendation 31**

Within 12 months, the Queensland Government amend section 6.1 of the *Police Service Administration Act 1990* to require the Police Commissioner to suspend, on full pay, a member who is charged with breaching a Protection Order at least until the matter is resolved, unless the member is able to prove, on the balance of probabilities, that exceptional circumstances exist such that the suspension should not occur.

### **Recommendation 32**

Within 12 months, the Queensland Police Service improve its training in relation to domestic and family violence by ensuring all relevant programs explain:

- the history of the relationship between police and the LGBTIQ+ community, and the way in which the nature of that relationship impacts on reluctance in the LGBTIQ+ community to report domestic and family violence to police
- the behaviours which amount to elder abuse, and the steps that should be taken to protect older people when they report harm from a family member
- how to recognise young people with complex needs and how to:
  - account for those needs in dealing with young people in the context of domestic and family violence
  - recognise domestic and family violence between young people and their parents and the importance of explaining that behaviour to the young person and offering referrals to the family
  - explain the conditions of applications and orders to young people in a language they can easily understand
- how to recognise or inquire about the barriers that may impact a person from a culturally and linguistically diverse background reporting domestic and family violence, and how to account for those barriers in order to appropriately progress a response or investigation
- how to recognise or inquire about whether a person has a cognitive or intellectual disability, and how to:
  - assess whether it would be appropriate to take a statement from a person with a cognitive or intellectual disability by way of a statement pursuant to section 93A of the *Evidence Act 1977*
  - determine whether it would be appropriate to provide a support person for any interactions with the person
- how to approach assessing whether a person with a cognitive, intellectual or physical disability is in need of protection and which factors to consider when the person who is using violence may also be the carer of the victim-survivor
- how to recognise the presence of multiple, intersecting complex needs, including for people with a mental illness, and the steps that should be taken when responding to, or investigating, reports of domestic and family violence in those circumstances.

### **Recommendation 33**

Within three months, the Queensland Police Service review the list of support services that are accessible by police to provide to people impacted by domestic and family violence to include, at a minimum, services which can provide support to:

- people who identify as LGBTIQ+
- men
- older people
- young people
- people from a culturally and linguistically diverse background
- people with a cognitive or intellectual impairment or disability
- people with additional complex needs.

#### **Recommendation 34**

Within 12 months, the Queensland Police Service establish permanent, full-time LGBTIQ+ Liaison Officer positions in each district whose role involves being able to provide specialist advice to police officers about their interactions with people from the LGBTIQ+ community.

#### **Recommendation 35**

Within six months, the Queensland Police Service update the Operational Procedures Manual to assist police officers to easily understand their powers and responsibilities when called to assist with the removal of an adult child from an older person's home.

#### **Recommendation 36**

Within six months, the Queensland Police Service update the Operational Procedures Manual to assist police officers to easily understand when it is appropriate to take a statement from an adult with a cognitive or intellectual impairment or disability pursuant to section 93A of the *Evidence Act 1977*.

#### **Recommendation 37**

Within 12 months, the Queensland Police Service establish a joint committee to address burnout and build the organisation's psychological health and wellbeing based on evidence. This joint committee should comprise, at a minimum:

- Queensland Police Service (Chair)
- Queensland Police Union of Employees
- Queensland Police Commissioned Officers Union
- Queensland Public Service Commission
- External experts/academics
- Nominated representatives from the Queensland Police Service.

The committee is to be tasked with assessing and building on research about levels of burnout and psychological stress within the Queensland Police Service; designing and driving relevant strategies to address burnout and psychological stress; supporting periodic evaluation of the effectiveness of those strategies and recommending action to the Executive Leadership Team.

#### **Recommendation 38**

Within 12 months, the Queensland Police Service develop a scheme to allow frontline officers and those commonly exposed to traumatic subject matter to be able to choose to be periodically placed in less stressful environments for a period of time sufficient to allow them a proper break from the work they were doing. Such placement should not include a Domestic and Family Violence and Vulnerable Persons Unit.

#### **Recommendation 39**

Within six months, the Queensland Police Service incorporate the following as a criterion for promotions to operational and frontline Senior Sergeant positions including Officer in Charge vacancies: *'a demonstrated capacity to deliver and lead effective domestic and family violence responses'*.

#### **Recommendation 40**

Within six months, the Queensland Police Service establish and/or expand an excellence in policing service delivery award scheme to acknowledge distinction in police responses to domestic and family violence.

#### **Recommendation 41**

Within 12 months, the Queensland Police Service strengthen its cultural capability training by introducing Academy and ongoing training which is:

- co-designed in consultation with First Nations peoples and communities
- co-delivered by First Nations peoples and communities.

#### **Recommendation 42**

Within 12 months, the Queensland Police Service establish a First Nations panel incorporating representative community members to assess and advise on its cultural capability training and report to the Assistant Commissioner, People Capability Command.

**Recommendation 43**

Within 12 months, the Queensland Police Service consult with First Nations peoples and communities in every police district to obtain permission to use an alternative space to interview witnesses.

**Recommendation 44**

Within six months, the Queensland Police Service establish an additional complaint code to explicitly capture complaints involving allegations of racism.

**Recommendation 45**

Within three months, the Queensland Police Service elevate the role of the First Nations Reference Group by requiring that:

- the Group be co-chaired by a member of the Queensland Police Service and one of the community members of the Group and meet regularly but no less than every three months
- members of the Group report any issues identified by or reported to them to the Group at each meeting
- the Group discuss those issues and make recommendations about matters the Queensland Police Service should consider in order to enhance police responses to First Nations peoples and communities, including in relation to domestic and family violence in Queensland
- the Queensland Police Service member report on those recommendations and any actions taken to the Executive Leadership Team after each meeting
- the Queensland Police Service member advise the group at the next meeting any decisions of the Executive Leadership Team made supporting their recommendations and actions
- the terms of reference for the Group be confirmed
- an initial action plan be developed.

**Recommendation 46**

Within 12 months, the Queensland Police Service separate the First Nations and Multicultural Affairs Unit into two distinct and standalone units.

**Recommendation 47**

Within 12 months, the Queensland Police Service establish the First Nations Unit as a permanent organisational unit with current staffing positions transitioned to permanent, including designating First Nations identified positions, and resourcing levels reflective of its current and future role.

**Recommendation 48**

Within 12 months, the Queensland Police Service make explicit its commitment to culturally safe policing by:

- developing a Reconciliation Action Plan with input from the First Nations Reference Group, and the Queensland Police Service First Nations Unit
- ensuring a direct link is made within the Queensland Police Service strategic and operational plans to the Reconciliation Action Plan commitments.

**Recommendation 49**

Within 12 months, the Queensland Police Service improve its training in relation to domestic and family violence by strengthening programs to address the need for police to take into account the unique experiences of First Nations peoples and communities when responding to domestic and family violence, including considerations relevant to misidentification of victims and how to communicate with First Nations peoples and communities to ensure that the conditions of Protection Orders are both appropriate to the circumstances and clearly understood by the parties.

**Recommendation 50**

Within 12 months, the Queensland Government amend section 97 of the *Domestic and Family Violence Protection Act 2012* to clarify the Court's discretion to make orders of less than five years duration where circumstances require it.

**Recommendation 51**

Within 12 months, the Queensland Government provide recurrent dedicated funding to provide legal representation at court for respondents in rural and remote communities.

**Recommendation 52**

Within 12 months, the Department of Justice and the Attorney-General increase the support of, and funding for, Community Justice Groups, including by expanding the membership where appropriate.

**Recommendation 53**

Within three months, the Queensland Police Service update their Operational Procedures Manual to require that police prosecutors consult with Community Justice Groups about the cultural appropriateness of the proposed length and conditions of domestic and family violence orders, where available and where appropriate.

**Recommendation 54**

Within 12 months, the Queensland Police Service use its best endeavours to always provide two prosecutors for circuit court attendances in rural and remote Queensland to enhance their capacity to negotiate in respect of domestic and family violence matters.

**Recommendation 55**

Within 12 months, the Queensland Police Service develop community awareness and preparedness inductions for members posted to remote locations which, at a minimum:

- are developed in consultation with the relevant community
- contain community specific information
- involve face-to-face introductions to community leaders and support and justice service providers.

**Recommendation 56**

Within 12 months, the Queensland Police Service establish funded, non-operational periods of at least three days for members newly appointed to rural and remote communities to enable the community preparedness inductions to occur prior to the commencement of operational duties.

**Recommendation 57**

Within 12 months, the Queensland Police Service develop and implement a procedure which provides for police officers who have completed two years of rural or remote service in designated communities:

- explicit recognition of the importance of remote and rural service in promotional criteria
- funded access to professional assistance for resume writing and interview skills.

**Recommendation 58**

Within 12 months, the Queensland Police Service explore the feasibility of inter-departmental arrangements for partners of police officers posted to rural and remote communities who work in the public sector and wish to serve in the same community.

**Recommendation 59**

Within 12 months, the Queensland Police Service, in consultation with the First Nations panel, assess the needs of, then design and deliver additional and ongoing training for Police Liaison Officers including in relation to domestic and family violence, trauma informed practice, conflict resolution and suicide prevention.

**Recommendation 60**

Within six months, the Queensland Police Service review the Operational Procedures Manual to more accurately reflect the diverse roles undertaken by Police Liaison Officers within the Queensland Police Service.

**Recommendation 61**

Within 12 months, the Queensland Police Service take the following actions in relation to Police Liaison Officers who are stationed in areas in which they are the only permanent Queensland Police Service presence, including in the Torres Strait:

- develop and deliver a training package in relation to QPRIME and QLITE and
- allow Police Liaison Officers access to QPRIME and the use of QLITE devices.



**Recommendation 62**

Within 12 months, the Queensland Police Service consult with relevant First Nations communities and Police Liaison Officers in areas in which Police Liaison Officers are the only permanent Queensland Police Service presence, including in the Torres Strait to explore the most suitable option for servicing the community through either installing sworn officers in those communities or the expansion of powers to Police Liaison Officers in those communities.

**Recommendation 63**

Within 12 months, the Queensland Police Service examine how airfields within the Torres Strait can be upgraded to enable Queensland Police Service planes to land at night.

**Recommendation 64**

Within six months, the Queensland Police Service establish and/or expand an excellence in policing service delivery award scheme to acknowledge distinction in policing responses to First Nations peoples and communities.

**Recommendation 65**

Within three months, the Queensland Government establish domestic and family violence as a key priority area of the First Nations Justice Office, Department of Justice and Attorney-General.

**Recommendation 66**

Within three months, the Queensland Government add additional funded position(s) to the existing First Nations Justice Office structure as additional full-time equivalent and allocated specifically to the domestic and family violence priority area.

**Recommendation 67**

Within six months, the First Nations Justice Office allocate resources to adequately support current models of existing partnerships between the Queensland Police Service and First Nations peoples and communities which address domestic and family violence, including through partnerships with other government and non-government agencies.

**Recommendation 68**

Within 18 months, the Queensland Government establish the Police Integrity Unit as an independent and separate unit of the Crime and Corruption Commission to deal with all complaints in relation to police. The Police Integrity Unit must, at a minimum:

- be led by a Senior Executive Officer who is a civilian
- provide for whistleblower protections
- include a victim advocate
- include identified positions for First Nations staff in the intake and victim advocacy teams
- include civilian investigators, and transition to a predominately civilianised model as soon as possible
- implement an adequate complaints management system, including fit for purpose data collection and reporting, including providing for aggregate trends analysis
- publicly report annually on activities and outcomes.

**Recommendation 69**

Within three months of acceptance of Recommendation 67, the Queensland Government create and publish an implementation plan which clearly identifies timeframes for key implementation activities, with a view to the Police Integrity Unit being fully operational within 12 months of acceptance.

**Recommendation 70**

The Crime and Corruption Commission engage external experts in, or those with experience of, civilian control models to assist in the development and implementation of the Police Integrity Unit up until it becomes operational.

**Recommendation 71**

The Crime and Corruption Commission, in consultation with the Queensland Police Service, report to the Parliamentary Crime and Corruption Committee, and the Premier, or the Attorney-General in support of the Premier, on the implementation plan milestones every three months until the Police Integrity Unit is fully operational.

#### **Recommendation 72**

The Parliamentary Crime and Corruption Committee conduct and publish a review of the Police Integrity Unit three years after commencement of operations. The review should consider the efficacy of the Police Integrity Unit and any deficiencies in its resourcing or legislative powers, as well as the appropriateness of its use of seconded police officers.

#### **Recommendation 73**

Thereafter the Parliamentary Crime and Corruption Committee conduct a further evaluation of the Police Integrity Unit every five years. These reviews should be independent and distinct from the review cycle of the Crime and Corruption Commission.

#### **Recommendation 74**

Within six months, the Queensland Government partner with and fund tertiary institutions to develop and deliver tertiary courses which provide training in investigative skills.

#### **Recommendation 75**

Within six months, the Queensland Police Service implement the following mechanisms to enhance the ethical health of the Service:

- employing data and strategic intelligence analysts to design robust reporting which supports organisational decision-making
- engaging an external evaluator to assess the Queensland Police Service's capacity to adopt and integrate early warning systems that incorporate discipline and HR information into decision-making
- undertaking annual public reporting of de-identified sanctions and outcomes of disciplinary hearings to uphold transparency and community confidence.

#### **Recommendation 76**

Within three months, the Queensland Government establish and appoint an independent implementation supervisor to oversee the implementation of the recommendations made in this Report.

The independent implementation supervisor appointed to oversee the recommendations made in this Report be the same entity as the implementation supervisor recommended in Recommendation 88 of the Women's Safety and Justice Taskforce *Hear her voice: Report One* (2021). The implementation supervisor report directly to the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence biannually, from mid-2023 until implementation is complete.

#### **Recommendation 77**

The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence report annually to the Queensland Parliament on the progress of the implementation of the Commission's recommendations and table the biannual reports of the independent implementation supervisor in the Queensland Parliament within 14 days of receipt, until implementation is complete.

#### **Recommendation 78**

The Queensland Government establish a victims' commissioner as an independent statutory officer in the terms of Recommendation 18 of the Women's Safety and Justice Taskforce *Hear her voice: Report Two* (2022). The victims' commissioner have, at a minimum, a function of:

- assisting individual victim-survivors of domestic and family violence, including in relation to complaints about poor police responses to domestic and family violence and
- identifying systemic trends and issues relating to police responses to domestic and family violence.

The victims' commissioner have a deputy commissioner to lead this capability.

# THE COMMISSION'S WORK

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The Commission of Inquiry into Queensland Police Service responses to domestic and family violence was established as part of the Queensland Government's response to the recommendations of the Women's Safety and Justice Taskforce in *Hear her voice: Report One* (2021).

## WHY THE COMMISSION WAS ESTABLISHED

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In *Hear her voice: Report One*, the Taskforce examined coercive control and whether a specific offence of 'commit domestic violence' should be introduced. During its review, the Taskforce received a significant number of submissions describing inconsistent and at times inadequate police responses to domestic and family violence.

The Taskforce heard of many instances when the QPS did not meet the safety and justice needs of victim-survivors of domestic and family violence, and failed to hold perpetrators to account. It also found there was a consistent failure by police to identify the tactics used by perpetrators to gain and maintain control in relationships characterised by domestic and family violence.

In short, the Taskforce found there were "*widespread cultural issues within the QPS that are getting in the way of achieving desired outcomes for victims and perpetrators*".<sup>13</sup>

While acknowledging the need for whole of system improvement and cultural change in identifying and responding to coercive control, the Taskforce found that QPS responses to domestic and family violence warranted deeper examination.

The Taskforce was limited in its capacity to undertake such an investigation as it did not have the power to summon witnesses to provide evidence or require the production of documents. Accordingly, and with one dissenting member, QPS Deputy Police Commissioner Tracy Linford APM, the Taskforce recommended the establishment of an inquiry pursuant to the *Commissions of Inquiry Act 1950* (Qld).

The Queensland Government accepted the Taskforce's recommendation, announcing that the Commission would examine QPS responses to domestic and family violence "*to ensure full public confidence in the ability of our police to protect victims and hold perpetrators to account*".<sup>14</sup>

## THE TERMS OF REFERENCE

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The Commission was established under the *Commissions of Inquiry Act 1950* (Qld) and commenced on 30 May 2022. Her Honour Judge Deborah Richards was appointed Commissioner, with Ruth O'Gorman KC and Anna Cappellano appointed as counsel assisting. The Commission was supported by a secretariat of 18 staff, including an Executive Director and legal, policy, research and administrative staff (Appendix B).

The Commission's terms of reference tasked it to inquire into any cultural issues within the QPS that influence the investigation of domestic and family violence, and how those cultural issues contribute to the overrepresentation of First Nations peoples in the criminal justice system. It also required the Commission to examine the capability, capacity and structure of the QPS to respond to domestic and family violence, and the adequacy of the processes for handling complaints against QPS members. The full terms of reference can be found at Appendix A.

The terms of reference required the Commission to make findings and recommendations that specify how to effectively address any issues and identify those strategies that should be given the highest priority. The Commission's recommendations are at page 20.

## THE CONDUCT OF THE INQUIRY

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The terms of reference directed the Commission to focus on systemic issues. This means that while it examined individual submissions and cases to gain a better understanding of systemic issues within the QPS, the Commission was not established to investigate or make findings about individual cases.

The Commission adopted an independent, transparent and balanced approach to fulfilling its terms of reference, as shown in Figure 1.

What follows is a brief description of the various ways in which the Commission informed its understanding of matters relevant to the terms of reference.

### INFORMATION CONTAINED IN PREVIOUS REPORTS, INCLUDING THE WOMEN'S SAFETY AND JUSTICE TASKFORCE REPORTS

The Commission commenced its work by reviewing the findings and recommendations of the Women's Safety and Justice Taskforce reports and the *Not Now, Not Ever: Putting an end to Domestic and Family Violence in Queensland* (2015) Report.

The Commission also reviewed many other reports relevant to QPS responses to domestic and family violence, including reports by the Domestic and Family Violence Death Review and Advisory Board and coronial findings.

A review of the significant findings from these reports is contained in Chapter 1 as they provide context to the present review of QPS responses to domestic and family violence, and the persistence of the issues over time.

### INFORMATION FROM VICTIM-SURVIVORS AND THE COMMUNITY ORGANISATIONS THAT SUPPORT THEM

More than 400 victim-survivors, as well as family members who had lost a loved one as a result of a domestic and family violence related death, answered the call for written submissions. These submissions gave the Commission a very real insight into their experiences of police responses to domestic and family violence.

## THE INQUIRY: INDEPENDENT, TRANSPARENT AND BALANCED
















SUBMISSIONS	 <p><b>409</b></p> <p>submissions from victim-survivors or other people impacted by domestic and family violence</p>	 <p><b>50</b></p> <p>submissions from community organisations or other agencies</p>	 <p><b>365</b></p> <p>submissions from current or former QPS members</p>
	 <p><b>17</b></p> <p>QPS training sessions attended by the Commissioner, counsel or staff</p>	 <p><b>53</b></p> <p>in-depth interviews with current or former QPS members by Mr Mark Ainsworth</p>	 <p><b>148</b></p> <p>meetings &amp; private interviews with police, service providers or other agencies</p>
	 <p><b>848</b></p> <p>responses to the victim-survivor survey</p>	 <p><b>2,733</b></p> <p>responses by QPS members to the QPS DFV-Q survey 2022</p>	 <p><b>11,029</b></p> <p>responses by QPS members to the Working for Queensland Survey 2021, including 6,200 free-text responses</p>
	 <p><b>573</b></p> <p>requests for items made in 120 Notices to Produce, resulting in the compelled production of over 27,700 documents</p>	 <p>more than <b>300</b></p> <p>reports and papers reviewed, and 11 experts engaged</p>	 <p><b>964</b></p> <p>full or partial complaint files from the QPS reviewed</p>
	 <p><b>23</b></p> <p>public hearing days</p>	 <p><b>78</b></p> <p>witnesses in public hearings &amp; <b>238</b> exhibits</p>	 <p><b>2,404</b></p> <p>pages of hearing transcripts</p>

Figure 1: Summary of key actions taken by the Commission to fulfill its terms of reference

The Commission also considered the victim-survivors' submissions which had been provided to the Women's Safety and Justice Taskforce. This meant that people who had previously told their story to the Taskforce did not need to tell it again.

The Commission conducted a confidential, voluntary survey of victim-survivors to inform its understanding of their experiences of reporting domestic and family violence to the QPS. The survey was conducted using an online platform designed to protect participants' identities. It was circulated to community organisations across Queensland that support victim-survivors, who then shared it with their contacts. The Commission received completed survey responses from 848 individuals.

The submissions from victim-survivors, and the responses to the victim-survivor survey, provided the Commission with a solid foundational understanding of QPS responses to domestic and family violence.

In addition, community, government and frontline support organisations provided written submissions, as did academics, legal organisations and individual lawyers. The Commission also held meetings with representatives of many community organisations, a list of which is contained in Appendix E.

A significant number of organisations, academics and individuals consented to the publication of their submissions on the Commission's website, with information redacted where it was required to protect the privacy of the submitter or a person named in the submission. Unsurprisingly, the sensitive and confidential nature of many submissions from victim-survivors meant they were unsuitable for publication. In all cases, the Commission respected the requests for confidentiality made by victim-survivors, but has sought to reflect their experiences throughout this report, and the Commission's companion report, *Behind the call for change*.

## **INFORMATION FROM QPS MEMBERS**

One of the aspects of this Commission that sets it apart from previous reviews of QPS responses to domestic and family violence is the extent to which QPS members themselves have participated in the review. In conducting its inquiry, the Commission sought to hear from, and consider the voices of, QPS members in a number of ways.

More than 360 QPS members, and former members provided submissions to the Commission about their knowledge of relevant cultural issues within the QPS, as well as the capability, capacity and structure of the QPS to respond to domestic and family violence.

In many cases, the QPS members who provided information requested confidentiality out of fear of reprisal from the organisation. Those requests for confidentiality have been respected. Accordingly, very few of the QPS members' submissions have been published by the Commission. In some cases, extracts from submissions received from QPS members are included in this report and the companion report with the consent of the submitter.

The Commission engaged Mr Mark Ainsworth, a retired Detective Superintendent, to conduct interviews with QPS members about the culture, capability, capacity and structure of the QPS to respond to domestic and family violence. Mr Ainsworth conducted 53 in-depth interviews.

The Commission itself met with a further 21 QPS members or former members. These interviews and meetings added to the body of information provided by QPS members through their submissions and survey responses.

In addition, the Commission engaged the Nous Group, an external consultant firm, with the support of the QPS and the Queensland Police Union of Employees, to conduct a survey of QPS members' experiences of what works well and what could be improved in relation to QPS responses to domestic and family violence. The survey (DFV-Q Survey 2022) largely replicated one conducted by the QPS in 2018 (DFV-Q Survey 2018), which allowed the Commission to compare the data and look at changes over time. Survey responses were provided by 2,733 QPS members.

Further, the Commission had regard to the results of the 2021 Working for Queensland survey which was completed by 11,029 QPS members. The Commission also required the QPS to provide the free text responses from that survey. There were approximately 6,200 written responses which were reviewed and considered by the Commission.

Finally, the Commission had regard to a number of recent studies and reports of consultants engaged by the QPS to analyse various aspects of the organisation, from the First Year Constable program to the membership's mental health. Many of these studies contained quotes from QPS members which provided insight into cultural and structural matters relevant to domestic and family violence.

The information provided by QPS members through submissions, interviews, meetings and in response to the DFV-Q Survey gave the Commission a valuable insight into the views of the QPS membership. The results of the 2021 Working for Queensland survey, and other recent studies and reports conducted by the QPS, provided further evidence to inform the Commission's work.

## **INFORMATION FROM ACADEMICS AND EXPERTS**

The Commission met with and sought advice from academics and experts in a range of areas including domestic and family violence, specific issues impacting First Nations peoples, policing, complaints and organisational capability. A number of these experts appeared in public hearings and their reports were tendered in evidence. The reports are available on the Commission's website at [www.qpsdfvinquiry.qld.gov.au](http://www.qpsdfvinquiry.qld.gov.au).

## INFORMATION FROM THE QPS AND OTHER ENTITIES

The Commission had regard to extensive data about police responses to domestic and family violence, and the management of conduct and complaints, largely provided by the QPS and the Department of Justice and the Attorney-General. The Commission was assisted in analysing and interpreting this data by the Queensland Government Statistician's Office and experts from Queensland Courts.

Importantly, the Commission compelled the production of information, documents and data from a number of organisations and individuals using its power under the *Commissions of Inquiry Act 1950* to require the production of such documents and information.

The Commission issued 120 notices to produce documents to 15 organisations and two notices to individuals. Responses to these notices to produce documents resulted in a significant body of material which informed the Commission's work.

A list of the entities to which the notices to produce were issued is set out below.

ORGANISATION	NUMBER OF NTPs ISSUED
Queensland Police Service	78
Crime and Corruption Commission	11
Coroner's Court of Queensland	6
Department of Justice and Attorney-General	6
Department of Seniors, Disability Services, and Aboriginal and Torres Strait Islander Partnerships	3
Queensland Corrective Services	2
Queensland Human Rights Commission	2
The Department of the Premier and Cabinet	2
Work Cover Queensland	2
Queensland Audit Office	1
Queensland Civil and Administrative Tribunal	1
Queensland Government Statistician's Office	1
Queensland Ombudsman	1
Queensland Police Union of Employees	1
YFS Ltd.	1
	<b>118</b>
INDIVIDUALS	
	<b>2</b>
<b>TOTAL</b>	<b>120</b>

Figure 2: Notices to produce (NTPs) issued by the Commission

The largest number of notices to produce were issued to the QPS. Using this mechanism, the Commission received many documents about matters relevant to the culture, capability, capacity and structure of the QPS, including documents the Commission was alerted to by QPS members themselves.

The Commission also met with a number of senior QPS personnel to learn about the capability, capacity and structure of the QPS. A list of QPS personnel the Commission met with is contained in Appendix E.

## OTHER SOURCES OF INFORMATION

In June 2022 the Commissioner, Counsel Assisting and commission staff spent a number of days at the QPS Academy in Brisbane to gain a firsthand understanding about how police recruits are trained to respond to domestic and family violence and to observe the pilot of the new three day domestic and family violence training program that will be available to all relevant QPS members by July 2023.

Counsel Assisting and commission staff also attended the QPS First Nations Mayors Summit in Cairns on 14 July 2022. This was an opportunity to learn about QPS initiatives relating to service delivery in First Nations communities, and to hear the voices of community Elders, leaders and Traditional Owners and their experiences of the successes and the challenges of the relationships between police and community members. It also allowed the Commission to build relationships with First Nations stakeholders and ensure their perspectives contributed to the Commission's work.

## PUBLIC HEARINGS

Public hearings were held in Brisbane, Cairns, Townsville and Mt Isa. Seventy-eight witnesses gave evidence over 24 days of public hearings. Three witnesses, Police Commissioner Katarina Carroll, Assistant Commissioner Brian Codd and Acting Assistant Commissioner Mark Kelly, were called twice. The Commission also held directions hearings on Friday 10 June 2022 and Monday 22 August 2022.



Hearings were conducted within a legal framework, and certain individuals and organisations were granted leave to appear. This allowed them to participate by questioning witnesses at hearings. Leave to appear was restricted to those individuals or organisations who were able to question witnesses about systemic matters impacting QPS responses to domestic and family violence, or who might be directly or immediately affected by the Commission's findings. The following parties were granted leave to appear:

- Queensland Police Service
- Queensland Police Union of Employees
- Women's Legal Service Queensland
- Queensland Crime and Corruption Commission (grant of leave limited to matters relating to conduct and complaints handling processes).

The Australian Brotherhood of Fathers made two applications for leave to appear but elected not to proceed before each application was decided.

Applications for leave to appear were also received from some members of the public. While leave was not granted to these applicants because of the Commission's systemic focus, they were encouraged to participate in the Commission's work by providing submissions.

Hearings were livestreamed on the Commission's website so that evidence was accessible to the wider community. Given its significant public interest, the evidence of Police Commissioner Katarina Carroll was recorded and published on the Commission's website so that it could be later viewed by those who could not watch it live.

Transcripts of each day of hearings and exhibits tendered in hearings were also published on the website, along with the name of each witness and the topics they gave evidence about. In total, 2,404 pages of transcripts and 238 exhibits are available on the Commission's website, with witness names and topics included at Appendix D.

## SUBMISSIONS RECEIVED FROM THE PARTIES TO THE HEARINGS

At the end of the hearings, the parties provided the Commission with written submissions.<sup>3</sup> In addition to those submissions, the Commission provided copies of the draft report to the parties and invited their further submissions and comment. The Commission had regard to those submissions and, where it considered it was appropriate, made amendments to the draft report. The Commission is grateful for the feedback provided by the parties.

In relation to the confidential submissions the Commission received from members of the public and from QPS members, the QPS and the Women's Legal Service Queensland both submitted that they were unable to comment on the accuracy of the assertions made in them. Those submissions are noted, and the Commission recognises that that is so. However, such is the concern evident of those making the submissions and the gravity and consistency of the conduct alleged, that the Commission is satisfied that the concerns raised in the requests for confidentiality are legitimate and outweigh any complaint about transparency by the parties. The Commission was diligent in requesting supporting material where such material might be available, and in many cases the submissions were supported by records the Commission subsequently received from the QPS.

The nature of a Commission of Inquiry is such that the receipt of confidential material and the protection of sources to allow full and faithful reporting is necessary at times. The Commission has provided as much of the material before it to the parties as possible but inevitably, with an investigation into domestic and family violence and police culture, much of the material received will be, and in this case has been, confidential. Confidentiality allows for voices which have been silenced to finally be heard.

## HUMAN RIGHTS CONSIDERATIONS

On 1 January 2020 the *Human Rights Act 2019* (Qld) (the HRA) commenced in Queensland, identifying and protecting 23 human rights in law. The Act requires the Queensland public sector, including the QPS, to act and make decisions which are compatible with the rights it protects.

Policing necessarily involves restricting human rights through lawful investigations and arrests. The HRA recognises the need to balance competing tensions by providing that human rights can be limited to the extent that is reasonable and justifiable in the circumstances.

The QPS has an important role in ensuring that victim-survivors' human rights are protected. Police must interact with victim-survivors and investigate domestic and family violence reports in a way that protects victim-survivors' human rights and in a way that reflects the principles of dignity, equality and mutual respect.

Obligations of the QPS to protect human rights are set out in its Operational Procedures Manual (OPM), which identifies that the HRA requires the QPS to consider human rights in all decision-making processes and interactions with its members and the community.

### OPM 1.2.3 HUMAN RIGHTS OBLIGATION

The HRA requires the Service and its members:

- Act or make decisions in a way that is compatible with human rights; and
- In making a decision, properly consider any human rights relevant to the decision.<sup>16</sup>

The OPM states that the HRA does not fundamentally change operational policing in Queensland, as members are already accustomed to respecting, protecting and promoting common law human rights, such as the right to liberty and security of the person, the right to a fair trial and freedom of expression.<sup>17</sup> However, the Commission heard experiences of victim-survivors that demonstrate that QPS officers do not always protect or promote the human rights of victim-survivors.

Where the Commission has identified failings or shortcomings by police in the investigation of domestic and family violence, those same shortcomings often also amount to a failure to act or make decisions in accordance with the human rights of victim-survivors.

Caxton Legal Centre submitted to the Commission that the QPS must fully embrace its obligations under the HRA and work to reframe the decision-making of all police officers using a rights-based framework, which would provide the basis for better policing of domestic and family violence.<sup>18</sup>

Mr Scott McDougall, Queensland Human Rights Commissioner, assisted the Commission in identifying the human rights considerations for victims of domestic and family violence and First Nations peoples that are relevant to the terms of reference.<sup>19</sup>

The relevant human rights are set out below, along with examples of their application in interactions between victim-survivors and police.<sup>20</sup> The Commission heard stories involving these examples, which are discussed throughout this report.

Where the Commission has identified police failures to meet their human rights obligations, these are included in the relevant findings. Human rights considerations are also addressed where relevant in the Commission's recommendations.

## **RECOGNITION AND EQUALITY BEFORE THE LAW (SECTION 15 HRA)**

At all times, and particularly in their interactions with police, victim-survivors have a right to:

- enjoy their human rights without discrimination regardless of their sex, age, sexuality, race, social class or disability
- equal and effective protection against discrimination. Police have a positive duty to ensure that some groups or classes of people do not receive inferior services or treatment
- free assistance from an interpreter if they do not understand or speak English. If they have a disability, they should be offered free assistance or specialised communication technology, trauma-informed approaches, and any other accommodations.

## **THE RIGHT TO LIFE (SECTION 16 HRA)**

The right to life is the most fundamental human right and public entities, including the police, have an obligation to take steps to protect the lives of individuals, as well as controlling and limiting the circumstances which may result in the loss of life.

Where a person is a victim-survivor of domestic and family violence, and it becomes clear that their life is in danger, the police must take adequate steps to protect their life. A failure to protect that person may be an unjustifiable limitation on the right to life.

## **THE RIGHT TO BE PROTECTED FROM TORTURE AND CRUEL, INHUMAN AND DEGRADING TREATMENT (SECTION 17 HRA)**

Cruel, inhuman, or degrading treatment or torture involves severe mental or physical pain or suffering that is either intentionally or unintentionally inflicted, or treatment that degrades by virtue of the humiliation caused. A breach of this right may occur in circumstances where an individual has a domestic violence order that is repeatedly breached by a perpetrator, but no action is taken by police when this violence is reported.

## **FREEDOM OF EXPRESSION (SECTION 21 HRA)**

Freedom of expression includes the right to hold and express an opinion, as well as the right to seek out and receive information. A victim of crime should be kept informed about:

- the progress of a police investigation
- decisions about the prosecution of the accused person
- warrants that have been issued
- court processes and hearing dates
- details of the sentence
- outcomes of bail applications
- arrangements for release of the accused person.

## **THE RIGHT TO PRIVACY (SECTION 25 HRA)**

A victim-survivor has the right to have their privacy protected and their reputation should not be unlawfully attacked. If a police officer shares information taken from an internal database about the whereabouts of a victim-survivor with a member of the public, that officer is in breach of that victim-survivor's right to privacy. This breach may also violate the victim's right to liberty and security.

## **THE PROTECTION OF FAMILIES AND CHILDREN (SECTION 26 HRA)**

Families are the fundamental group unit of society and are entitled to be protected by society and the state. The law recognises the diversity of families. What constitutes a family should take account of the cultural context and kinship arrangements, especially for First Nations peoples.

Every child has the right to protection that is in their best interests. Children are also entitled to special protection, given their additional vulnerabilities because of their age. For this reason, the Queensland Government is required to adopt special measures of protection.

Where a child's safety cannot be maintained with the family unit together, it may be necessary to apply provisions which exclude the perpetrator from the home or from contact with victim-survivors.

Police responses should also consider the sufficiency of protections provided to children to ensure their safety and wellbeing, with minimal disruption to their lives.

## **CULTURAL RIGHTS (GENERALLY) (SECTION 27 HRA)**

Whatever a victim-survivor's cultural, religious, racial or linguistic background, they have the right to practise their culture and religion and use their language with others in their community.

Police prosecutors must recognise the cultural and linguistic backgrounds of witnesses and should consider the type of, and way that, questions are asked. In some cases, it may be appropriate to limit the people present in the courtroom when a witness is giving evidence.

## **CULTURAL RIGHTS (ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES) (SECTION 28 HRA)**

First Nations peoples hold distinct cultural rights. A First Nations person must not be denied the right to maintain, control, protect and develop their identity and cultural heritage, including traditional knowledge, spiritual practices and beliefs, culture and cultural practices, connection to land and country, development and use of language and the protection and development of kinship.

Public entities, including QPS, must consider these rights when providing services to First Nations peoples, and give special consideration to cultural safety, cultural sensitivities, and appropriate ways of working with First Nations peoples and communities.

The Commission notes that targeted, meaningful and ongoing training, delivered by First Nations experts, will be required to build cultural capability and cultural sensitivity to ensure the rights of First Nations peoples are protected during interactions with police.

The Commission notes that meaningful engagement with First Nations peoples and communities is also critical to ensuring the cultural rights of First Nations peoples are protected.

## **THE RIGHT TO LIBERTY AND SECURITY OF A PERSON (SECTION 29 HRA)**

All Queenslanders have a right to be free and safe and to be arrested or detained only in accordance with the law. Public entities, including the police, need to take adequate steps to ensure people who are exposed to domestic and family violence are safe.

For example, if an individual contacts the police because someone has threatened them with violence, the police must take adequate steps to ensure that the threat is not carried out.

## **RIGHTS IN CRIMINAL PROCEEDINGS (SECTION 32 HRA)**

All Queenslanders have a number of minimum guarantees when charged with a criminal offence. These include the right to be told the charges against them in a language they understand, the right to an interpreter if needed, the right to be told about the availability of Legal Aid if they do not have a lawyer, and the right to a fair hearing.

## ENDNOTES

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- 1 Exhibit 1.9, Women's Safety and Justice Taskforce, Hear Her Voice: Report 1, Addressing coercive control and domestic and family violence in Queensland (2021), Tender Bundle A, tendered 11 July 2022, [recommendation 31].
- 2 Exhibit 1.9, Women's Safety and Justice Taskforce, Hear Her Voice: Report 1, Addressing coercive control and domestic and family violence in Queensland (2021), Tender Bundle A, tendered 11 July 2022, [recommendation 34, 41].
- 3 Exhibit 1.9, Women's Safety and Justice Taskforce, Hear Her Voice: Report 1, Addressing coercive control and domestic and family violence in Queensland (2021), Tender Bundle A, tendered 11 July 2022, [recommendation 32].
- 4 Exhibit 1.9, Women's Safety and Justice Taskforce, Hear Her Voice: Report 1, Addressing coercive control and domestic and family violence in Queensland (2021), Tender Bundle A, tendered 11 July 2022, [Recommendation 9]
- 5 Exhibit 1.9, Women's Safety and Justice Taskforce, Hear Her Voice: Report 1, Addressing coercive control and domestic and family violence in Queensland (2021), Tender Bundle A, tendered 11 July 2022, [Recommendations 60 and 61]
- 6 Exhibit 1.9, Women's Safety and Justice Taskforce, Hear Her Voice: Report 1, Addressing coercive control and domestic and family violence in Queensland (2021), Tender Bundle A, tendered 11 July 2022, [Recommendation 33]
- 7 Exhibit 1.9, Women's Safety and Justice Taskforce, Hear Her Voice: Report 1, Addressing coercive control and domestic and family violence in Queensland (2021), Tender Bundle A, tendered 11 July 2022, [Recommendation 37]
- 8 Exhibit 1.9, Women's Safety and Justice Taskforce, Hear Her Voice: Report 1, Addressing coercive control and domestic and family violence in Queensland (2021), Tender Bundle A, tendered 11 July 2022, [Recommendation 35]
- 9 Exhibit 1.9, Women's Safety and Justice Taskforce, Hear Her Voice: Report 1, Addressing coercive control and domestic and family violence in Queensland (2021), Tender Bundle A, tendered 11 July 2022, [Recommendation 26]
- 10 Exhibit 1.9, Women's Safety and Justice Taskforce, Hear Her Voice: Report 1, Addressing coercive control and domestic and family violence in Queensland (2021), Tender Bundle A, tendered 11 July 2022, [Recommendation 96]
- 11 Exhibit 1.9, Women's Safety and Justice Taskforce, Hear Her Voice: Report 1, Addressing coercive control and domestic and family violence in Queensland (2021), Tender Bundle A, tendered 11 July 2022 [Recommendation 95]
- 12 Women's Safety and Justice Taskforce, Hear Her Voice: Report 2, Women and girls' experiences across the criminal justice system (2022) [Recommendation 18]



## **PART 1**

# **WHY CHANGE IS NEEDED**

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# 1 A problem that persists

The Women's Safety and Justice Taskforce *Hear her voice: Report One* (2021). found that the QPS response to domestic and family violence was inconsistent and at times inadequate, and recommended that it be further examined by a Commission of Inquiry.

It is important to note, however, that while that recommendation led to the establishment of the Commission, *Hear her voice: Report One* (2021). was far from the first review to find that there were issues with the QPS response to domestic and family violence.

Indeed, the inconsistency and at times inadequacies of the QPS response has long been known to be a problem.

Many previous reviews and reports, conducted internally and externally to the QPS, have examined its responses to domestic and family violence. Those reviews and reports have repeatedly identified multiple shortcomings with the QPS response.

This chapter considers some of the more significant of them. In this way, it demonstrates the persistence of the problem of inconsistent and at times inadequate QPS responses over time.

The fact that the problem has persisted for so long brings a number of important truths into sharp focus. First, the call for change is not a new one. It is a tired, but determined, one.

Further, while the QPS has made multiple attempts to improve the problem, those efforts are still evolving. Many attempts at improvement have been reactive and short-sighted. Even apparently well-considered efforts have failed to fundamentally shift the problem.

The next chapter considers what the Commission was told about the way the QPS response to domestic and family violence continues to fall short of community expectations despite the many reviews and attempts at change that have been made to date.

## HOW HAS THE PROBLEM CHANGED OVER TIME?

Shortcomings in the QPS response to domestic and family violence have been identified for many years. In its 2005 report *Policing domestic violence in Queensland*, the Crime and Misconduct Commission found that police face challenges in effectively responding to domestic and family violence because of:

- an overreliance on civil Protection Orders, with a concurrent failure by police to pursue criminal investigations and charges
- incident-based responses that do not adequately consider the broader patterns of violence within a relevant relationship
- inefficient administrative procedures and processes alongside increased demand pressures.<sup>21</sup>

Since then, many reports have made similar findings including, more recently, the Special Taskforce on Domestic and Family Violence report *Not Now, Not Ever* (2015),<sup>22</sup> Domestic and Family Violence Death Review and Advisory Board reports,<sup>23</sup> coronial findings and the Women's Safety and Justice Taskforce *Hear her voice: Report One* (2021). and *Hear her voice: Report Two* (2022).<sup>24</sup>

In reviewing these reports, the Commission identified remarkable consistency in the recommendations that have been previously made to the QPS.

Broadly speaking, the previous recommendations sought to:

- improve investigations and criminal prosecutions, through legislative, policy and procedural changes and by ensuring that information is easily accessible in QPS systems
- strengthen leadership and promote good practice, by establishing senior leadership positions, and ensuring managers and supervisors are adequately equipped to model effective responses, enact behavioural change, and promote good practice
- build knowledge and understanding to improve officer understanding of the nature and dynamics of domestic and family violence and how to effectively respond through ongoing training

- improve specialist responses through the expansion of existing roles commensurate with demand (including domestic and family violence coordinators), as well as supporting succession-planning and developing promotional opportunities for specialist officers
- build cultural capability, through training and improved access to interpreters for people from non-English speaking backgrounds
- improve communication and engagement, including with victim-survivors and advocates, to enhance referral processes and better understand the impact of domestic and family violence
- enhance partnerships and planning through the trial of co-responder models or the development of local level solutions.

The current statutory framework for responding to domestic and family violence came into effect on 17 September 2012 with the commencement of the *Domestic and Family Violence Protection Act 2012* (DFVPA). The DFVPA included:

- a contemporary definition of domestic and family violence, to better clarify the broad spectrum of behaviours that may constitute this type of violence and explicitly outline a requirement that consideration be given to the person most in need of protection
- new powers for police to increase their capacity to respond quickly and effectively to victim-survivors of domestic and family violence
- improved grounds for courts to make Protection Orders, and to include additional conditions on orders, as well as to allow for the inclusion of children in orders.

As part of the introduction of the new legislation, the QPS also delivered operational improvements such as the development of the Domestic Violence Protective Assessment Framework (DV-PAF). This decision-making framework was intended to assist officers to identify the presence of key risk factors when responding to domestic and family violence related calls for service, assess the level of fear of a person experiencing domestic and family violence, and determine the appropriate police response.

The DFVPA requires that all police officers must investigate, or cause to be investigated, a complaint, report or circumstance of domestic and family violence, if they hold a reasonable suspicion that it has occurred. While a similar provision also existed in the earlier *Domestic and Family Violence Protection Act 1989* (Qld), a cross-jurisdictional comparison undertaken in 2009 explained the provision was necessary because “*the perception is that in some instances police officers are reluctant to seek Protection Orders where there has been a domestic disturbance but no direct evidence of violence (such as injury)*”.<sup>25</sup>

The cross-jurisdictional comparison further acknowledged that this obligation to investigate was intended to provide clear guidance to officers about their roles and responsibilities, and to provide comfort to victim-survivors that police will assist in crisis situations when a victim-survivor is unable to seek an order themselves.<sup>26</sup>

Further amendments to the DFVPA in 2015 and 2016 sought to:

- provide victims of domestic and family violence with access to earlier and more tailored protection by police and courts and ensure victim safety was at the forefront of the justice response to domestic and family violence<sup>27</sup>
- require police to consider what immediate and effective protection can be provided to victim-survivors pending a court’s consideration of a Protection Order application<sup>28</sup>
- ensure that where there are conflicting allegations of domestic and family violence in civil proceedings, courts identify and protect the person most in need of protection<sup>29</sup>
- clarify that it is lawful for police to use body-worn cameras in the performance of their duties, to assist in fulfilling the recommended enhanced investigative and evidence-gathering methodologies.<sup>30</sup>

A summary of the various shortcomings and positive responses that have been identified in earlier reviews commencing in 2015 is set out in Figure 3. Those reviews are then briefly considered in turn.

## IDENTIFIED SHORTCOMINGS

- The Women's Safety and Justice Taskforce, the Special Taskforce on Domestic and Family Violence, the Domestic and Family Violence Death Review and Advisory Board (the Board) and coroners have consistently identified problems with the way police respond to domestic and family violence in Queensland.
- A failure by police to take action in accordance with existing legislation and procedures, appropriately assess risk or pursue criminal charges has been identified.
- Inconsistency in the approach taken by different officers has also been noted including the triaging, prioritisation, investigation and recording of domestic and family violence related calls for service, as well as ongoing concerns about the misidentification of the person most in need of protection.

## POSITIVE RESPONSES

- The Board and coroners have highlighted instances where police have appropriately responded to domestic and family violence related calls for service.
- This includes responding to immediate threats to safety, making referrals, seeking collateral information and working collaboratively with other agencies to keep victim-survivors safe.
- Police have also appropriately identified acts of systems abuse and coercive control, pursued criminal charges, sought to proactively manage high-risk cases, followed up with victim-survivors after the immediate crisis resolved, and requested additional conditions on orders (or sought to vary orders) to strengthen protections.
- Challenges faced by police in responding to domestic and family violence have also been noted, particularly where victims are reluctant to engage, do not wish to provide evidence or pursue criminal charges or minimise the abuse they are experiencing.

Figure 3: Summary of shortcomings and positive responses identified in previous reviews and reports

## SPECIAL TASKFORCE ON DOMESTIC AND FAMILY VIOLENCE (2015)

The Special Taskforce on Domestic and Family Violence (2015) identified a number of shortcomings in the QPS response to domestic and family violence.

Recommendations in that report were aimed at wide-spread reform which sought to shift community attitudes, enhance services, strengthen legislation and improve police responses to domestic and family violence.<sup>31</sup>

The Special Taskforce found that the justice system further victimised or marginalised victim-survivors of domestic and family violence and that *“police responses need to be swifter, more empathetic and focus more on victim safety”*.<sup>32</sup> The Special Taskforce also heard many examples of shortcomings in police responses to domestic and family violence and found that:

- these shortcomings could be attributed to processes and procedures that may inhibit a police response, but could also result from a culture among some police that does not give sufficient weight to responding to domestic and family violence related calls for service because they are seen as *“just a domestic”*
- domestic and family violence related calls for service consume significant police resources and can place police officers at personal risk of harm
- police responses could be improved through increased criminal prosecution of perpetrators, enhanced investigative and evidence gathering, and by providing more support for victim-survivors during court proceedings.<sup>33</sup>

The Special Taskforce made eight recommendations to improve police responses to domestic and family violence with the view that:

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**Implementing a pro-active investigation and protection policing policy will enhance victim safety and investment in cultural change and strong leadership will remove any last vestiges of a culture that does not value women nor understand the costs to us all of allowing domestic and family violence to continue.<sup>34</sup>**

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The Special Taskforce's recommendations for the QPS focused on improving state-wide leadership, improving coordination and resourcing,<sup>35</sup> enhancing investigations<sup>36</sup> and strengthening criminal prosecutions.<sup>37</sup> Procedural changes<sup>38</sup> and an independent audit of police training packages were also recommended.<sup>39</sup>

On 24 October 2019, the Queensland Government announced that it had delivered all 140 recommendations of the Special Taskforce and reported that specialist police officers had delivered training to operational police and collaborated with other government and non-government agencies to address domestic and family violence related issues.<sup>40</sup>

The QPS also committed to taking continued action through:

- enhancing its investigative and evidence-gathering methodologies to increase criminal prosecutions of domestic and family violence perpetrators
- progressing the implementation of proactive investigation and protection policies and activities that prioritise victim safety and hold perpetrators to account
- increasing the capacity of the QPS Domestic and Family Violence Coordinator network through additional positions to meet current and projected future demand across the state and continue to develop Domestic and Family Violence Coordinators into specialist practitioners by offering access to professional development
- developing collaborative partnerships with the community and other agencies through the State Domestic and Family Violence Coordinator to create a platform where diverse experiences could be shared and used to shape new ideas to improve the collective response to domestic and family violence
- reviewing its domestic and family violence related training packages to ensure they reflect current and emerging approaches for supporting people affected by domestic and family violence
- progressing a significant body of work to effect cultural and attitudinal change related to domestic and family violence in the QPS
- affirming the QPS as a reform leader in the criminal justice sector and as a domestic and family violence service delivery agency.

## DOMESTIC AND FAMILY VIOLENCE DEATH REVIEW AND ADVISORY BOARD REPORTS

Domestic and family violence has devastating and long-term consequences for individuals, families and communities in Queensland. Recent high-profile homicides and homicide-suicides have highlighted that domestic and family violence can, at times, be fatal.

Since its establishment in 2016, the Domestic and Family Violence Death Review and Advisory Board (the Board) has consistently identified issues with the responses by police, courts, health and child safety services in the lead up to domestic and family violence-related homicides and suicides.

Across its six previous annual reports, the Board found that, on various occasions, police:

- delayed responding<sup>41</sup> or did not investigate reports of domestic and family violence (despite having a legislative obligation to do so)<sup>42</sup>
- demonstrated a lack of awareness or knowledge of domestic and family violence (including non-physical abuse and other forms of coercive control) and key risk indicators<sup>43</sup>
- placed disproportionate weight on a perpetrator's version of abuse compared to a victim-survivor's, despite a lack of corroborating evidence or independent third-party assessments to justify this view<sup>44</sup>

- did not have regard to a reported history of domestic and family violence to inform their decision-making<sup>45</sup> and/or responded to domestic and family violence related calls for service as singular incidents rather than as a pattern over time<sup>46</sup>
- did not use the DV-PAF as intended (including not using it, or not completing it correctly)<sup>47</sup> or otherwise failed to identify escalating patterns of harm<sup>48</sup>
- misidentified the person most in need of protection<sup>49</sup> and/or did not identify system abuse by the perpetrator<sup>50</sup>
- did not record<sup>51</sup> or mis-recorded apparent domestic and family violence related calls for service within police systems as 'street checks,' 'welfare checks,' 'child harm reports' and/or 'community assists'<sup>52</sup>
- did not apply for a Protection Order where there may have been sufficient information to make an application,<sup>53</sup> or conversely 'heavily relied' on Protection Orders, despite high risk and extreme violence being reported<sup>54</sup>
- did not action, or delayed the service of, Protection Orders which affected the capacity of other officers to appropriately respond to further reports of violence<sup>55</sup>
- did not communicate with a victim-survivor about a high-risk perpetrator being released from custody<sup>56</sup>
- did not investigate or pursue criminal charges (including breaches) where there was sufficient information to indicate a criminal offence may have occurred.<sup>57</sup>

The Board noted that these issues occurred despite oversight and quality assurance mechanisms within QPS<sup>58</sup> and that they disproportionately impacted First Nations peoples.<sup>59</sup>

The Board also identified the existence of attitudes that affected the provision of police support to victim-survivors in some of the cases reviewed across multiple reports.

This included instances of:

- labelling a victim-survivor as a 'hostile aggrieved' when she demonstrated a reluctance to make a written statement about her experiences of abuse<sup>60</sup>
- recording a victim-survivor as 'vexatious' when she made repeated attempts to seek assistance from police, noting that *"any further requests for welfare checks of children were vexatious and should be referred to child safety services"*<sup>61</sup>
- advising a victim-survivor that *"she smelled and should shower"* after she defecated on herself following an episode of non-lethal strangulation where she had lost consciousness<sup>62</sup>
- identifying an older victim-survivor as *"very erratic and confused"* when seeking assistance from police with no apparent attempts to adjust the response to take into account the potential for a cognitive impairment<sup>63</sup>
- assessing a separate victim as having a cognitive disability when she tried to report a threat of violence by a family member although there was no apparent confirmation of this assessment in available records<sup>64</sup>

- in a case where both parties were intoxicated, deciding that the victim-survivor was “*more intoxicated*” and therefore “*the person causing trouble*” despite a Protection Order listing her as the aggrieved in previous calls for service involving the couple<sup>65</sup>
- recording threats to assault and kill a victim-survivor as a “*communication issue*” by police. No further action was taken by officers on that occasion, even though the perpetrator had admitted to being verbally abusive towards the victim and a Police Protection Notice was established listing her as the aggrieved.<sup>66</sup>

The Board also identified challenges faced by police in responding to violence where victim-survivors did not wish to disclose their experiences of abuse,<sup>67</sup> minimised the abuse they experienced,<sup>68</sup> did not want further action to be taken by officers outside of the initial crisis response<sup>69</sup> and/or where the victim-survivor considered that a response by police may elevate their risk of future harm.<sup>70</sup>

Across its various reports, the Board also noted positive examples of proactive enforcement in the cases it reviewed, including where police:

- recognised suicide threats and other behaviours as acts of coercive control by the perpetrator,<sup>71</sup> and correctly identified a perpetrator’s use of image management as an act of systems abuse<sup>72</sup>
- pursued criminal charges<sup>73</sup> or refused to withdraw charges where a victim-survivor may have requested it<sup>74</sup>
- sought to manage high-risk cases<sup>75</sup> by issuing a station-wide alert,<sup>76</sup> attempting to address underlying issues as part of a proactive policing strategy<sup>77</sup> and taking steps to assess the safety of victims and their children outside of the immediate crisis point<sup>78</sup>
- followed up with victim-survivors or perpetrators when they may have initially been too intoxicated to make a statement<sup>79</sup> or because the victim had been too fearful to do so<sup>80</sup>
- requested additional conditions on Protection Orders or release conditions<sup>81</sup> and/or sought variations on existing conditions in response to further episodes of domestic and family violence.<sup>82</sup>

Since its establishment, the Board has continually noted that the QPS has sought to improve its responses to domestic and family violence through:

- continuing to encourage officers to make third party referrals for people experiencing domestic and family violence<sup>83</sup>
- trialing local level responses and strategies in partnership with other agencies<sup>84</sup>
- delivering specialist training,<sup>85</sup> introducing body-worn cameras<sup>86</sup> or developing focused responses to high-risk perpetrators<sup>87</sup>
- continuing to expand specialist supports and assistance to frontline officers<sup>88</sup>
- establishing a dedicated Domestic and Vulnerable Person’s Command to strengthen the capability of the QPS to respond to domestic and family violence.<sup>89</sup>

Previous recommendations made by the Board to the QPS have focused on the need for continued development of operational communiques and training,<sup>90</sup> improving the accessibility of information for QPS officers,<sup>91</sup> and improving responses to missing persons who have a history of domestic and family violence.<sup>92</sup>

## RECENT CORONIAL FINDINGS

Recent published coronial findings have highlighted the problem of inconsistent and at times inadequate QPS responses to domestic and family violence, including non-compliance by officers with relevant legislative or procedural requirements, across multiple cases. This has included cases which involved police:

- demonstrating a lack of understanding of domestic and family violence<sup>93</sup>
- failing to accurately assess and triage domestic and family violence related calls for service<sup>94</sup>
- not undertaking risk assessments<sup>95</sup> and/or failing to assess the significant risk of escalation within the relationship<sup>96</sup>
- identifying the risk as high, but officers’ “*actions did not align with that assessment*”<sup>97</sup>
- not considering the prior history of domestic and family violence to inform decision-making<sup>98</sup>
- responding to each report of domestic and family violence as a singular incident as opposed to an escalating pattern of abuse<sup>99</sup>
- not treating threats made by a perpetrator with ‘sufficient seriousness’<sup>100</sup>
- not appropriately documenting domestic and family violence related occurrences within QPS systems<sup>101</sup>
- not seeking extra conditions on Protection Orders to secure additional safety,<sup>102</sup> or delaying the service of orders<sup>103</sup>
- not investigating reports of domestic and family violence (including interviewing the perpetrator) or pursuing relevant criminal charges where there may have been sufficient evidence to do so.<sup>104</sup>

Coronial findings have also identified instances of victim-blaming and a lack of identification of systems abuse by the perpetrator<sup>105</sup> as well as delays by police in responding to calls for service on the night of the homicide.<sup>106</sup>

The adequacy of QPS internal oversight processes, including where outcomes of domestic and family violence related investigations are reviewed by more senior officers, and a lack of clear guidance with respect to the management of repeat calls for service within existing operational procedures have also been discussed in coronial findings.<sup>107</sup>

In a number of cases, coroners also noted that officers had not undertaken checks on QPS systems about any past history of violence for relevant persons, with some police subsequently disclosing that they did not know how to check past QPRIME records to identify this history.<sup>108</sup>

In other cases, coroners found that attending officers “*lacked a comprehensive understanding of applicable legislation and policies*,”<sup>109</sup> and that inadequate training had been provided by the QPS to support police (including specialist officers) to effectively respond.<sup>110</sup>



Resourcing limitations<sup>111</sup> and an increased demand for services were also noted to have impacted the police response, along with the impact of the recent COVID-19 pandemic.<sup>112</sup>

While there has been much attention on the shortcomings identified in domestic and family violence-related deaths, in some cases coroners positively noted that officers:

- responded commendably to an immediate threat to safety, including by undertaking a protective assessment, making referrals and seeking collateral information<sup>113</sup>
- worked collaboratively with other agencies to secure a victim-survivor's protection<sup>114</sup>
- opposed bail in circumstances where they identified a continued risk of violence occurring<sup>115</sup>
- faced challenges when responding to domestic and family violence<sup>116</sup> including where victim-survivors were reluctant to engage, did not wish to provide evidence or denied or minimised the abuse they experienced.<sup>117</sup>

Coroners have consistently identified the stated commitments of the QPS to improving its responses to domestic and family violence. In fact, many cited this as a reason not to hold an inquest into the death/s under investigation. For those matters that did not proceed to inquest, coroners:

- noted that current reforms associated with the Special Taskforce and recent coronial recommendations meant that it was unlikely that any useful recommendations to improve police responses could be made over and above those already made<sup>118</sup>
- acknowledged the commitment of the QPS to identify new ways of responding to domestic and family violence, including improving the training and support provided to less experienced officers<sup>119</sup>
- found that there had been significant improvements in the approach of the QPS to identifying and preventing domestic and family violence<sup>120</sup>
- were satisfied that an inquest was not required as they could not identify any recommendations for preventing similar deaths that had not been or were not continuing to be implemented<sup>121</sup>
- noted that the Women's Safety and Justice Taskforce made a suite of recommendations to build upon current activities already underway to improve police responses to domestic and family violence.<sup>122</sup>

In recent findings following the inquest into the deaths of Doreen Langham and Gary Hely, the former Deputy State Coroner Jane Bentley also acknowledged the recommendations previously made by the Special Taskforce but found that the circumstances of that homicide-suicide *"indicate that the QPS has been unable to date, to implement those recommendations"*.<sup>123</sup>

Following that inquest and the inquest into the deaths of Hannah Clarke, Aaliyah Baxter, Laianah Baxter, Trey Baxter and Rowan Baxter the former Deputy State Coroner made several recommendations to strengthen police responses to domestic and family violence, including training improvements,<sup>124</sup> procedural amendments<sup>125</sup> and trials of specialist multidisciplinary responses.<sup>126</sup>

## THE WOMEN'S SAFETY AND JUSTICE TASKFORCE *HEAR HER VOICE: REPORT ONE (2021)*

The Women's Safety and Justice Taskforce conducted the most recent whole of government review of the QPS response, and that of other agencies, to domestic and family violence.<sup>127</sup>

The Taskforce was established in 2021 to examine coercive control and the need for a specific offence of 'commit domestic violence', as well as women's experiences across the criminal justice system as both victims and offenders.

While the Taskforce acknowledged the need for whole of system improvement, and made 89 recommendations to police, courts, and other agencies to achieve this, it was clear in *Hear her voice: Report One (2021)*, that the approach of the QPS to domestic and family violence needed deeper examination.

A significant proportion of submissions to the Taskforce reported poor QPS responses to domestic and family violence. While others also outlined exceptional practice by officers, the Taskforce found that police needed to improve their investigations of domestic and family violence. This was because the Taskforce heard:

- policing responses were inconsistent and at times inadequate, with the Taskforce receiving information about many instances where officers failed to investigate domestic and family violence related calls for service, failed to pursue criminal charges in relation to domestic and family violence, blamed women for the abuse they had experienced, and sided with the perpetrator
- victim-survivors' safety and justice needs were not being met, with police failing to identify the tactics used by perpetrators to gain and maintain control or to hold perpetrators to account
- victim-survivors reported that there was a lack of communication, and generally poor attitudes towards them, by police including judgmental and dismissive responses and a lack of understanding of non-physical acts of domestic and family violence.

The Taskforce also identified that the complexity of paperwork, the time required to respond to domestic and family violence and recurrent calls for service can result in increased frustration by police with the process. They also found that perceptions by some police were influenced by:

- negative attitudes and beliefs about women and domestic and family violence
- stereotypes about the 'ideal' victim
- a lack of cultural capability
- limited understanding of the dynamics of coercive control.

*Hear her voice: Report One (2021)*, made eleven recommendations of direct relevance to the QPS which included the development of a transformational plan and enhancements to QPS training, specialist responses and internal procedures.



## CONCLUSION

These past reviews and reports demonstrate that shortcomings in the QPS response to domestic and family violence have been known for a long time and have persisted despite many recommendations aimed at creating improvement.

The next chapter considers the extent to which, despite those known shortcomings and multiple attempts at improvement, the problem of inconsistent and at times inadequate police responses to domestic and family violence continues to persist.

### FINDINGS

- While positive practice has been identified, multiple previous reviews and reports have examined Queensland Police Service responses to domestic and family violence, found them wanting and made recommendations for change.
- Despite past recommendations aimed at improvement and ongoing efforts at change, previous reviews and reports have concluded that Queensland Police Service responses to domestic and family violence continue to be inconsistent and, at times, inadequate.



## 2 Where QPS responses fall short

Many of the previous reviews and reports which considered QPS responses to domestic and family violence have identified shortcomings. Many of those shortcomings have persisted over time despite recommendations made over the years aimed at improvements.

This chapter considers the ways in which QPS responses to domestic and family violence continue to fall short of community expectations in the present day. Although this chapter considers the ways in which QPS responses fall short of meeting community expectations, the Commission recognises that, in many cases, police officers do respond well to domestic and family violence and act to protect

victim-survivors and keep them safe.

The Commission's understanding of this issue was informed by input from victim-survivors, their families and the community organisations that support them.

The Commission received submissions from 409 victim-survivors. Further to those submissions, the Commission conducted a survey of victim-survivors' experiences of reporting domestic and family violence to police and received 848 responses to the survey.

The following table provides an overview of the victim-survivor survey responses:

### OVERVIEW OF VICTIM-SURVIVOR SURVEY FINDINGS



#### BARRIERS TO REPORTING TO POLICE

Of the small proportion of victim-survivors who responded to a question about experiencing barriers when contacting police, two-thirds confirmed they had experienced barriers. They listed three main barriers:

- Fear of how the other party would react (selected in 20.62% of responses)
- They did not think police would believe them (selected in 15.46% of responses)
- They did not think police would care (selected in 12.47% of responses).



#### HOW THE REPORT WAS MADE TO THE QPS

Most victim-survivors reported to police by calling them during or after the episode of domestic and family violence (41.63%) closely followed by attending a police station to report or discuss their experiences of domestic and family violence (34.62%).

Police were also called by third parties (10.86%) or were called by the other person involved in the domestic and family violence during or after the episode of violence (5.43%).



#### FREQUENCY OF CONTACT WITH POLICE

Over the past three years, victim-survivors reported calling police:

- 2-3 times (32.07%)
- 4-7 times (29.60%)
- 11+ times (14.61%)
- 1 time (12.71%)
- 8-10 times (11.00%)

Of these, the majority reported that their most memorable contact with police happened within the last two years (71.51%).



#### PROVIDING INFORMATION ABOUT SUPPORTS

This happened infrequently in most cases, although 44.25% of victim-survivors reported being referred to support services by police. Over half of these respondents reported that referral occurred infrequently (56.30%). Only 1.72% of respondents to this question indicated they declined the police referral.



#### QPS RESPONSE TO THE REPORT

Victim-survivors reported that police had applied for a Protection Order listing them as an aggrieved (17.02%) or advised them to make a private application for an order (14.31%).

Police did not act in another 25.3% of cases, or they took action that was not related to domestic and family violence (3.61%). Police charged the other party with a domestic and family violence offence in 9.33% of cases. Victim-survivors also reported being listed as a respondent on an application for a Protection Order in 8.13% cases or being charged with a domestic and family violence related offence (2.56%).



#### VICTIM SATISFACTION AND SENSE OF SAFETY

Most victim-survivors reported that they were unsatisfied with the police response (60.79%) or only partially satisfied (22.74%). Reasons for being unsatisfied with the response included not feeling believed (14.49%) or respected (9.51%), being made to feel like they were wasting police time (15.57%) or police not properly investigating the report (19.24%).

Most victim-survivors felt that their safety and well-being had been negatively impacted by the actions taken by police (57.82%) or they were unsure about how their safety and well-being was impacted (21.32%).

Figure 4: Overview of victim-survivor responses to the Commission's survey

In addition, the Commission received submissions from 50 community organisations, and met with, or heard evidence from, representatives of 59 organisations.

The information from victim-survivors and the community organisations that support them inform the discussion in this chapter and the findings made at the end of it. The Commission's companion report, *Behind the call for change*, contains further perspectives and experiences of victim-survivors and community organisations.

As will be seen in this chapter, the shortcomings of the QPS response to domestic and family violence identified in previous reviews and reports continue to the present day. Moreover, the inconsistency in QPS responses to domestic and family violence occurs at all stages of the police response.

## THE STAGES OF THE POLICE RESPONSE TO DOMESTIC AND FAMILY VIOLENCE

The QPS has a critical role in the response to, and prevention, disruption and investigation of domestic and family violence by:

- investigating reports of domestic and family violence to identify, protect and support the person most in need of protection

- holding users of violence accountable for their behaviour by commencing criminal charges where appropriate
- partnering with other agencies to develop strategies to reduce the incidence of domestic and family violence and promote coordinated service delivery.

The obligations of the QPS to respond to domestic and family violence are set out in the *Domestic and Family Violence Protection Act 2012* (Qld) (DFVPA), the QPS Operational Procedures Manual (OPM) and a range of other legislative instruments and procedural documents. In addition, the *Human Rights Act 2019* (Qld) (HRA) protects the rights of victim-survivors by imposing obligations on the police in their investigation of domestic and family violence.

The responsibilities that arise at the various stages of the police response to domestic and family violence are set out in Figure 5.

There are many stages in the police response to, and investigation of, domestic and family violence. Victim-survivors and individual police officers told the Commission about failings by the QPS at all stages of its response to people experiencing domestic and family violence, including when victim-survivors make an initial report, throughout an investigation, and during court proceedings.

RESPOND	DISRUPT	INVESTIGATE	PREVENT
The QPS is the primary responder to domestic and family violence. Police have a responsibility to listen, inquire, assess and ensure they respond appropriately to a report of domestic and family violence.	Police have a role in engaging with and disrupting the behaviour of high risk perpetrators of violence, and case managing at-risk couples. This includes working with partner agencies, participating in High Risk Teams, and implementing targeted initiatives to address ongoing perpetration of domestic and family violence.	Where police form a reasonable suspicion that domestic and family violence has occurred, they have a statutory obligation to ensure the matter is investigated. A thorough and complete investigation is to be conducted to ensure police are making sound decisions about the actions that need to be taken.  This can include providing advice, making a referral, issuing a Police Protection Notice, applying for a Protection Order and pursuing criminal charges to hold perpetrators to account. All reports of domestic and family violence must be appropriately recorded in QPS systems to inform both current and future responses.	By their actions, police prevent future domestic and family violence. Police are required to collaborate with other agencies as part of a broader whole of system response to domestic and family violence. This can be achieved by sharing information across agencies, participating in a range of service support and prevention initiatives (including co-responder and co-location trials), and engaging with agencies locally to trial different prevention approaches.

Figure 5: Responsibilities of police in the investigation of domestic and family violence

## INITIAL REPORT

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Police are often the first agency that victim-survivors contact for help, and they are frequently required to respond to domestic and family violence during periods of crisis or heightened risk. It is well established in research that by the time a victim-survivor seeks assistance from police, they are likely to have experienced multiple previous episodes of domestic and family violence.<sup>128</sup> For many, the abuse has escalated to a point that they no longer feel able to manage it themselves.

The initial response by police is crucial in addressing any immediate safety concerns and encouraging future reporting. The way police engage with a victim-survivor when they first meet them is critical to building trust.<sup>129</sup> If a victim-survivor has a negative experience with police, they will be less likely to call them for help a second time.<sup>130</sup>

The initial report can be made by victim-survivors, perpetrators or other persons (such as a neighbour or a family member). It can occur through an urgent call for service via Triple Zero directed to a Police Communications Centre, a non-urgent report to Policelink by phone or online, or at a police station.

Irrespective of who makes the report or how it is made, the QPS has a responsibility to listen, inquire, assess, and ensure that the report is dealt with appropriately. At times, police officers do not seem to be aware of how significant their role is.

The Queensland Auditor-General recently found that between 2015-16 and 2021-22 the percentage of domestic and family violence calls for service classified by the QPS as not requiring a direct response has more than doubled. The Auditor-General also found that the QPS has not responded to urgent calls for service in their target timeframes.<sup>131</sup>

Consistent with previous coronial findings, reviews and reports, the Commission heard many examples of shortcomings in police responses at this stage. These include:

- call takers not obtaining or communicating adequate or accurate information when receiving a report of domestic and family violence<sup>132</sup>
- substantial delays in responding by police<sup>133</sup>
- first response officers actively avoiding calls for service<sup>134</sup> or failing to take a victim-survivor's report of domestic and family violence<sup>135</sup>
- police discouraging victim-survivors from making a report<sup>136</sup>
- police aligning themselves with the perpetrator,<sup>137</sup> or not believing victim-survivors' reports (despite unmistakable evidence of injuries)<sup>138</sup>
- officers or staff turning people away from police stations and/or making no official record of the contact.<sup>139</sup>

One victim-survivor who responded to the Commission's survey told the Commission she experienced a number of these shortcomings. She said:

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**It was a big step to go to a police station. I would physically have to sit in the car, stop shaking and build up the strength just to walk into the station, it was petrifying.**

**Then to be told by officers just need to log the information on police link.**

**If there was an issue, I needed help with it then, not to be lost in an online database. Would often turn up at police and ask for specialist DV officer but none on duty. Felt police didn't respect what I would tell them sometimes, because it was coercive control rather than physical violence.**

**The perpetrator in our case was caught installing tracking device on children's watch, when our location was protected. I reported this as breach. Never heard back from police after I spoke to them. Was told years later this could have been a criminal offence.<sup>140</sup>**

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In particular, the Commission identified a concerning practice by some officers of recording victim-survivors on body-worn camera footage stating that they did not want to proceed with any criminal charges at the point of crisis and prior to the commencement of an investigation.<sup>141</sup> This has serious implications for the sufficiency of evidence later gathered by the police and reduces the likelihood of victim-survivors being able to pursue criminal charges at a later date.

Further, the Commission found that many victim-survivors are not believed when they try to make a report of domestic and family violence to police<sup>142</sup> and/or that they are blamed by officers for the violence they report.<sup>143</sup> Victim-survivors reported that a poor response by police made them reluctant to call the QPS for assistance in the future.<sup>144</sup>

One victim-survivor who responded to the Commission's survey explained her experience in the following way:

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**I was physically assaulted by my partner and I called 000. It took them an hour to get there and I was standing outside as I was afraid. Two male police attended and one of them was so rude and condescending and clearly didn't care or want to be there. He said things like "we attend heaps of these per night."**

**He told me there was nothing they could do as my partner was on the lease and essentially it was pointless to press charges due to the nature of the incident. He seemed he couldn't be bothered to assist.**

**When you are afraid and ask for help and that is the response you get it's very heart crushing and doesn't make you feel like you can rely on the police to help you keep safe.<sup>145</sup>**

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The Commission also received submissions describing instances of police providing a cursory response and minimising or misrepresenting victim-survivors' experiences of abuse.<sup>146</sup>

These issues were compounded for those who did not present as an 'ideal' victim, particularly where alcohol and other drug use and mental health issues were present, or a victim-survivor may have used resistive violence.<sup>147</sup>

Brisbane Youth Service provided the following example to the Commission:

## CASE STUDY: LIBBY'S EXPERIENCE

Libby was a young woman in a relationship characterised by coercive control. This included being regularly injected with illicit substances by her partner as part of the abuse he perpetrated against her.

Libby's partner used her drug dependence to prevent her from leaving him, including by controlling her supply. When police responded to a domestic and family violence related call for service, which was a regular occurrence within their relationship, the partner would present her to the QPS as an addict under the influence and discredit her version of events.<sup>148</sup>

Failing to properly recognise perpetrator tactics makes it more difficult for police to accurately identify the person most at risk. Dr Brian Sullivan, academic, practitioner and educator in men's domestic violence intervention programs told the Commission that perpetrators who participate in his programs typically admit that they have pretended that they are 'the good guy' when engaging with police, and that their partner is 'the crazy one'. This can lead to misidentification by police of the victim as the respondent.<sup>149</sup>

Ms Nadia Bromley, Chief Executive Officer, Women's Legal Service Queensland told the Commission that many victim-survivors who tried to report domestic violence felt they were either discouraged from reporting, felt pressured to not report, or were not believed, which was a significant barrier for women.<sup>150</sup> In its submission, Women's Legal Service Queensland provided further examples, where victim-survivors felt that they had been:

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**... disregarded, disbelieved and dismissed especially if there are no signs of physical violence, and/or there are family orders in place, or they are not the ideal victim and might have mental health issues, drug and alcohol issues or they are attempting to report a breach.<sup>151</sup>**

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Many community organisations raised concerns about police officers' understanding and response to trauma,<sup>152</sup> and to people or groups who are more vulnerable to domestic and family violence.<sup>153</sup> In addition to demonstrating a poor understanding of domestic and family violence, this included concerns about:

- a lack of understanding of the cultural and historical barriers that exist for some marginalised people or groups which may impact their willingness to report to, or engage with, police<sup>154</sup>
- the impact of stigma and discrimination on when, and how victim-survivors may report their experiences of violence to police, particularly for people who use drugs, people with complex histories of trauma, and people with previous poor experiences of police or other statutory services (such as child safety)<sup>155</sup>
- the impact of biases and ignorance on police responses to First Nations peoples,<sup>156</sup> people from culturally and linguistically diverse backgrounds, sex workers,<sup>157</sup> people with language barriers or disability,<sup>158</sup> people who identify as LGBTIQ+<sup>159</sup> as well as the elderly and young people.<sup>160</sup>

Community organisations identified the importance of addressing barriers to reporting for these groups,<sup>161</sup> particularly where such experiences may impact a victim-survivor's perceived credibility,<sup>162</sup> and to building cultural capability among police.<sup>163</sup>

Mr Ben Bjarnesen, the Managing Director of the LGBTQ Domestic Violence Awareness Foundation, gave evidence about the barriers experienced by the LGBTIQ+ community. As an example, he described instances where police officers had made assumptions about a victim-survivor and their role in the relationship based on their stature or other features, and how these types of biases can stop people from reporting.<sup>164</sup> Ms Ellie Hansson, a solicitor with the LGBTI Legal Service, confirmed those barriers in her evidence. She had observed instances where police displayed an open disregard or active mistreatment of LGBTIQ+ people and their matters were not taken seriously.<sup>165</sup>

Older people reporting domestic and family violence at the hands of adult family members or their partners have also experienced their complaints being dismissed by police as a family matter. Ms Cybele Koning, Chief Executive Officer of Caxton Legal Service, told the Commission that there had been a significant increase in the number of older people reporting domestic and family violence but that police often decline to make Protection Order applications because they do not understand that elder abuse can be a form of domestic and family violence (where a relevant relationship exists).<sup>166</sup>

The Commission heard that First Nations women are often dealt with differently by police because of their race,<sup>167</sup> and that they face a range of additional barriers to reporting abuse.<sup>168</sup> This means that by the time First Nations victim-survivors do seek assistance from police it is highly likely they have endured abuse for an extended period and the violence has significantly escalated.<sup>169</sup> Acts of resistive violence, in protection of self or others, are not always recognised as such by police and First Nations women, in particular, were not identified as the person most in need of protection as a result.

The Commission also heard that police sometimes refuse to act when there are concurrent family law proceedings or child custody issues,<sup>170</sup> telling victim-survivors that they believed they were making reports as leverage for family law matters,<sup>171</sup> or to limit men's access to their children. Significantly, and despite research clearly showing that false reports of domestic and family violence are statistically rare,<sup>172</sup> this was confirmed by police officers who responded to a survey undertaken by the Commission,<sup>173</sup> in evidence at hearings<sup>174</sup> and in interviews conducted by an external consultant engaged by the Commission.<sup>175</sup>



## DURING AN INVESTIGATION

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Where police officers form a reasonable suspicion that domestic and family violence has occurred, they have a statutory obligation to ensure the matter is investigated.<sup>176</sup>

Officer decision-making and protective outcomes for victim-survivors are improved by appropriate and thorough investigations where police interview both parties and any witnesses, gather independent evidence, consider any prior history of domestic and family violence, undertake a protective assessment, and enter an accurate record in QPRIME.

Importantly, some victim-survivors may not feel safe or be willing to disclose their full experiences of violence to police for a variety of reasons.<sup>177</sup> While this can limit the ability of police officers to effectively respond or assess any potential risks, it also highlights the critical need for police to have a strong understanding of domestic and family violence, respond in an informed way and to ensure that they accurately and fully record their interactions.

An effective response by police can not only lead to better protective outcomes for victim-survivors at this point but may also improve their willingness to seek help again.

Ms Betty Taylor, Chief Executive Officer of Red Rose Foundation, acknowledged that many current serving officers do a very good job, but also told the Commission of inconsistent responses by police across the state, particularly in relation to women who have been non-lethally strangled by their partners. She spoke of the importance of training police to recognise high risk behaviours and lethality indicators as a critical element in the prevention of domestic homicides.<sup>178</sup>

When police officers fail to make inquiries or gather sufficient evidence to inform their response, victim-survivors and their children may be left unprotected, and perpetrators are not held to account for their actions. This also increases the likelihood of police misidentifying the person most in need of protection.

Ms Di Mahoney, Acting Chief Executive, Brisbane Youth Service, told the Commission about the importance of police investigations in the context of misidentification. She provided an example of a young woman who had been identified as being at such significant risk that she was being managed by the High Risk Team. Police were called to an episode of domestic and family violence involving the young woman and the perpetrator, who had an extensive criminal and domestic and family violence history of high risk violence against multiple other victims. Police failed to access the perpetrator's history and misidentified the young woman as the respondent when she was the person most in need of protection.<sup>179</sup> At the time of the Commission's hearings, the police application naming the young woman as the respondent had not yet been withdrawn.<sup>180</sup>

The misidentification of domestic and family violence victims as perpetrators compromises the integrity of the police response and significantly heightens the risk to the primary victim. It restricts access to support and protection for those experiencing violence and can embolden the perpetrator, who may use a Protection Order to silence or control the primary victim.

The application for a Protection Order in such circumstances may also lead to victim-survivors being subjected to criminal proceedings and further adverse outcomes.

The Commission heard of a number of cases where this had occurred. Ms Debbie Hewitt, a solicitor with Women's Legal Service Queensland, told the Commission that the organisation had established its own program to offer legal assistance to female respondents, as it had identified through its own clients and other information that women victim-survivors were at risk of misidentification as perpetrators of domestic and family violence.<sup>181</sup> Findings from the Domestic and Family Violence Death Review and Advisory Board<sup>182</sup> and recent research by Australia's National Research Organisation for Women's Safety confirms the prevalence of this issue.<sup>183</sup>

One victim-survivor who responded to the Commission's survey explained her experience in the following way:

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**...it would have been much better if they didn't show up. They just made my ex more bold, he just laughed at me for calling the police.**

**I am surprised I am not dead as calling the police made my ex so angry, there was blood in his eyes, and the Queensland police made sure he knew they would not lift a finger if he killed me.**

**The police were the ones who made sure the report from the incident was framed so that I was made to look like the angry violent one when he was the one who regularly strangled me and beat my head.**<sup>184</sup>

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Police also misidentify victim-survivors as perpetrators when they fail to recognise parties with vulnerabilities that limit their ability to fully engage in an investigation, and to make reasonable adjustments to support their involvement.

The Commission identified instances where police failed to engage independent interpreters when responding to victim-survivors from non-English speaking backgrounds. Instead, police relied on other family members or the perpetrator to inform their assessment of the situation and their decisions about appropriate responses, which can result in comprised investigations.<sup>185</sup>

In the experience of Legal Aid Queensland practitioners, where a person from a non-English speaking background is experiencing violence and is able to provide police with their name and answer questions with 'yes' or 'no', police often make no further inquiry about their ability to adequately speak or understand English. Legal Aid Queensland also provided details of an instance where police used Google Translate to communicate with a person experiencing violence.<sup>186</sup> In evidence at the hearings, one police officer implied that where English was not the victim-survivor's first language, the officer "just managed" without an interpreter.<sup>187</sup>

Micah Projects provided the Commission with the following example:

## CASE STUDY: JUDY'S EXPERIENCE

Judy had been working with domestic violence services around her experience of abuse and violence, which included high risk factors of escalating stalking behaviour, physical and sexual assault. On one occasion she sought assistance from police when the perpetrator went to her home and waited outside her door for an extended period.

Judy, who is from a culturally diverse background, called Triple Zero for an immediate crisis response and the police reported they could not understand her accent when she tried to speak English. In addition, they refused access to an interpreter to assist her to explain why she was fearful and needed police support.

The police officer attending to her call insisted Judy would need to present the next day with someone who could interpret for her. When Judy presented the following day to a police station she was dismissed as not having enough evidence for them to take any action.<sup>188</sup>

The Commission heard that women with disabilities were also often not appropriately supported when reporting domestic and family violence to police. Ms Jacelyn Parsons, social worker with the WWILD Sexual Violence Prevention Association, gave evidence that as she supported clients with intellectual disabilities who may have problems with comprehension, reading and writing, she would advocate for police to take video-recorded statements pursuant to section 93A of the *Evidence Act 1977*, instead of a written statement. Despite that measure being allowed specifically for those with an impairment of mind,<sup>189</sup> she said police often resisted taking video-recorded statements, incorrectly claiming the procedure was only allowed for children. Where she had been successful in advocating for its use and that measure had been adopted by police, it resulted in her clients giving better evidence.<sup>190</sup>

Victims' families told the Commission of their concerns that police did not adequately investigate the history and context of domestic and family violence surrounding the death of their family member. In the words of one family member, this failure has consequences for coronial investigations because "*coroners can only make findings based on the information they have*" and initial police reports are "*not at all informative...And omits important detail that might have prompted very different decisions from the Coroner*".<sup>191</sup>

Multiple stakeholders raised similar concerns. They told the Commission these problems more commonly occurred in cases where a deceased victim had used drugs, had a criminal history, or if the cause of death was ambiguous and responding police had determined the cause of death was accidental.

These cases frequently involved limited investigations, a lack of critical thinking, analysis or evidence gathering and, in some cases, no acknowledgement of, or a lack of understanding of, the domestic and family violence context.

It was not uncommon for these deaths to have occurred in the context of serious domestic and family violence, and in some cases, police had responded to a domestic and family violence related call for service in the hours preceding the death.<sup>192</sup> In a confidential submission, stakeholders told the Commission that:

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**We sincerely believe that the deaths of women (in particular) are under-investigated or not investigated properly due to the pre-conceived attitudes of responding police. While we do not suggest that all under-investigated or poorly investigated deaths are homicides, the true injustice is that we cannot know with confidence. These women deserve to have their deaths fully and comprehensively investigated on the evidence, and through a DFV informed lens.**<sup>193</sup>

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## TAKING ACTION

Investigating officers can instigate a range of actions depending on the report made to them and the available evidence.<sup>194</sup> However, their decision-making priority must be the safety, protection and wellbeing of persons who fear or are experiencing domestic and family violence and holding perpetrators responsible for their use of violence and its impact on others.<sup>195</sup>

Many victim-survivors told the Commission about apparent failures by police to commence investigations or gather evidence,<sup>196</sup> apply for Protection Orders,<sup>197</sup> or pursue criminal charges.<sup>198</sup>

Community organisations also told the Commission that police officers did not always adequately support victim-survivors, including instances where officers:

- discouraged victim-survivors from making an application for an order or from reporting breaches<sup>199</sup>
- avoided providing support to victims to make statements,<sup>200</sup> or left important information out of written statements<sup>201</sup>
- lost evidence.<sup>202</sup>

When it occurs, police reluctance to apply for Protection Orders appears to be driven by several factors, including poor understanding of the law and the dynamics of domestic and family violence, along with cultural issues within the QPS. These cultural issues are discussed in further detail in Part 3 of this report.

Victim-survivors told the Commission that police demonstrated limited awareness of coercive control and failed to recognise the various nuanced tactics used by perpetrators.<sup>203</sup> As a result, responding officers did not take protective action or took insufficient action to address risk and safety concerns.

One respondent to the Commission's survey explained:

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**I perceived that Police were dismissive of the threat as it was not of a physical nature and because this had been a prolonged case of non-physical DV. As with all previous interactions regarding the DFV matters, I found Police often made excuses for the perpetrators actions including commenting to the fact that 'it was just words'.**

**I often found, they were annoyed with having to deal with the ongoing situation. Breaches were referred to as 'technical' and 'not worth pursuing' and that I should just 'ignore the behavior'.**

**In general, the perception was that I should just accept and try to ignore the constant harassment, stalking behaviour and abuse because it was not of significant enough threat.<sup>204</sup>**

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Ms Toni Bell, Director of Family Law and Civil Justice Services at Legal Aid Queensland, provided similar examples obtained from her own clients where police failed to take action where there were no allegations of physical violence or threats.<sup>205</sup> She said:

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**It's a common theme that our clients complain that where there's no physical abuse that police are sometimes reluctant to attend at their homes to assist in helping them to get safe by applying for an order.<sup>206</sup>**

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Some police officers have a poor understanding of the operation and intent of the DFVPA, which differentiates between acts of violence that are intended to create fear, and those that are defensive or reactive in nature.<sup>207</sup> This lack of understanding increases the risk that victim-survivors who use violence to defend or protect themselves or others will be misidentified as perpetrators.<sup>208</sup>

The way victim-survivors reported violence also influenced the likelihood that police would apply for a Protection Order. Organisations and victim-survivors described a general reluctance by officers to undertake an investigation or apply for Protection Orders when a victim-survivor attended a police station to report their experience of violence, compared to when police attended a domestic and family violence related call for service.<sup>209</sup>

The Integrated Family and Youth Service informed the Commission of the following example:

## **CASE STUDY: HOLLY'S EXPERIENCE**

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Holly attended a police station in January 2022 with a folder filled with evidence of the violence and abuse she had experienced from her ex-partner. Holly explained she had been physically assaulted multiple times, she had been receiving over thirty phone calls a day from him, and that he had made specific threats to harm her *"until I couldn't crawl"* and to kill her pets.

Holly expected the police would take a statement from her, but they did not. Holly was provided with the contact details for her local domestic and family violence support service and with their assistance, Holly obtained a private Domestic Violence Protection Order.<sup>210</sup>

Caxton Legal Centre provided the following example:

## **CASE STUDY: RALPH'S EXPERIENCE**

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Ralph, aged in his 90s, drove his mobility scooter to a police station at 4am to report abuse he had experienced from his adult son who was living with him. The son had been physically, verbally and financially abusive towards his father. The police officer he spoke to told him it was a civil matter and he ought to go home. Ralph was not given any supports or referrals. He subsequently sought assistance from a Community Legal Centre to obtain a private Domestic Violence Protection Order.<sup>211</sup>

A recent Ethical Standards Command report on *Bail, Street Checks and Front Counter Reporting* (2021) confirmed that the incidence of police officers failing to apply for a Protection Order when a victim-survivor attended a police station is a regular occurrence.

It identified that during the reporting period 1 April 2020 to 31 March 2021, where a victim-survivor who did not already have a Protection Order in place attended the front counter of a police station to report a domestic and family violence matter, almost half of the occurrences (49%) were finalised without the officer making an application for a Protection Order. Further, within the one month period following the victim-survivor's attendance at the front counter, 319 victim-survivors had made a private application for an order at a courthouse, 200 of which were granted.<sup>212</sup>

Following the release of this report, the QPS issued an operational advisory note<sup>213</sup> to members about their obligations around domestic and family violence complaints, including:

- bail considerations
- the need to treat victims who report at front counters with sensitivity and take them to a separate and private room

- how a matter is recorded
- the need to review a matter holistically.

A requirement to activate body-worn cameras when someone reports to be a victim of domestic and family violence was also issued.<sup>214</sup> Assistant Commissioner Brian Codd told the Commission that the intention of this requirement is to audit sections of the footage to ensure that police are giving the right quality of service delivery.<sup>215</sup>

A reluctance by officers to apply for a Protection Order does not recognise the barriers faced by many victim-survivors who then must seek their own order, including poor literacy, an inability to represent themselves and care-giving responsibilities that impact the capacity of some victim-survivors to navigate the complex processes required to make a private application.<sup>216</sup>

It is also evident that some police do not understand the standard of proof required for civil proceedings, and apply the higher threshold required for criminal prosecution when considering whether to make an application for a Police Protection Notice or a Protection Order. This is consistent with victim-survivor and advocates' accounts of being told by officers that there was insufficient evidence for police to make an application for a Protection Order.<sup>217</sup>

Moreover, the Commission heard that police often do not investigate offending behaviour perpetrated in the context of domestic and family violence as a criminal offence. Submissions by victim-survivors outlined instances where officers encouraged victims not to pursue charges,<sup>218</sup> or subsequently discontinued charges.<sup>219</sup> Reasons for the discontinued charges provided to victim-survivors by police included that there was insufficient evidence,<sup>220</sup> evidence had been lost<sup>221</sup> or there were concerns about the credibility of the victim-survivor's evidence.<sup>222</sup> One victim-survivor said:

**In a decade actually charge the perpetrator for even One. Single. Breach. I, and my child, have lost the last decade of our lives trying to stand up for ourselves now not just against our mutual perpetrator, but also against the Police amongst other institutions that claim to help but often use many similar tactics in their interactions with aggrieved as the perpetrators do.**

**The biggest joke is that a 9yo child chose to stand up to his 6ft 4+, 120kg+, 45+yo perpetrator father because police had chosen not to so many times that the child had lost count and would report "the police don't care about me".**

**A solution needs to be found to where aggrieved and their children are not left to bare the consequences of escalated and emboldened perpetrators resulting from Police failing to ensure accountability due to inexperience, error, and/or inefficiencies. If Police fail to charge or fail to do so within the statute of limitations, when there is an order and a breach has occurred, then aggrieved should not be told "tough-luck" and that they "simply have to wait until the next offence" by the perpetrator and then the Police might look into perhaps doing something.**

**A system is also required to review cases and back prosecute to provide accountability and closure for aggrieved, and to give historical context to ongoing DV - how else can patterns of coercive control be identified and actioned for accountability?<sup>223</sup>**

Failing to investigate associated criminal offending fails to recognise that criminal charges can be made, and can succeed even if contested in court proceedings, when the only evidence comes from a complainant's account of the offending. When police officers fail to bring criminal charges, which would otherwise be appropriate in the circumstances of the case, because of a lack of corroborating evidence, or because a perpetrator denies the offending or gives an alternate version of events, they fail those victim-survivors who seek to obtain justice.

The Commission also heard examples, including from serving officers,<sup>224</sup> where police did not act on complaints of breaches of Protection Orders because they considered the offending to be 'technical,'<sup>225</sup> or 'administrative'<sup>226</sup> breaches. Victim-survivors were also reportedly told by officers not to report breaches of Protection Orders each time they occurred, but to save them up in batches,<sup>227</sup> or until they had a few.<sup>228</sup> Adopting this approach fails to recognise:

- the episodic patterns of abuse that underpin relationships characterised by domestic and family violence
- the danger it represents to victim-survivors and the potential for any escalation in abuse to be missed
- the need for swift action by police to prevent further acts of violence and ensure that perpetrators are held to account when a breach occurs.

In a confidential submission, the following example was provided:

## CASE STUDY: GABRIELLE'S EXPERIENCE

In February 2022, Gabrielle fled from Queensland and was in hiding from her ex-partner in New South Wales. She had been subjected to numerous physical assaults including non-lethal strangulation. Gabrielle sought assistance from the New South Wales Police who applied for an interim Apprehended Violence Order (AVO), which was served on her ex-partner by the QPS. The QPS did not take any action regarding criminal charges for the non-lethal strangulation as they said they did not have enough evidence.

Four months later Gabrielle spoke with the New South Wales Police regarding small amounts of money her ex-partner was transferring to her account. The transfer descriptions included requests she contact him and referred to Gabrielle's sister's address where she was staying. NSW Police reported this breach of the AVO to the QPS Domestic and Family Violence and Vulnerable Persons Command, including a statement from Gabrielle, and a report was generated.



Gabrielle reported further transfers to the NSW Police five days later, who again provided this information to the QPS DFVVP Command.

The NSW Police directly contacted the investigating QPS officers, providing the additional screen shots of the bank transactions and transfer descriptions and the further statement made by Gabrielle.

A QPS Senior Constable told the NSW Police that they would not arrest Gabrielle's ex-partner as they did not have concrete evidence, and until they issued a warrant for the bank statements they could not prove the offending, despite receiving the screen shots from Gabrielle's bank account. NSW Police expressed their concern regarding the offending and that action should be taken immediately, especially considering Gabrielle's fear and the steps she had taken to evade her ex-partner, including changing phone numbers, cars, and making alterations to her appearance. The Senior Constable reiterated they would not take action and advised NSW Police that if they had any issues they should 'take it up the chain of command'.

NSW Police contacted the QPS DFVVP Command again about their concerns for Gabrielle's about safety, but QPS still did not act. The QPS failed to recognise the patterns of abuse experienced by Gabrielle, the escalation of risk to her and her sister, and the need to prevent further offending.<sup>229</sup>

Many community organisations echoed these inconsistencies in police responses to domestic and family violence, including the reluctance by police to seek Protection Orders and pursue criminal charges,<sup>230</sup> and an 'apathy' shown by police towards victim-survivors when they tried to report breaches.<sup>231</sup>

Limiting investigations in this way fails to hold perpetrators to account for their violent actions. This failure to pursue criminal charges by police has been consistently identified as an issue since at least 2005,<sup>232</sup> and was one of the main criticisms of the QPS by the Special Taskforce on Domestic and Family Violence in Queensland (2015) which made several recommendations to address this area of concern.<sup>233</sup>

Where police arrest a perpetrator for a domestic violence offence, section 16 of the *Bail Act 1980* (Qld) provides that a police officer must consider the risk of the perpetrator committing further domestic violence when making the determination to grant or refuse bail. As a further safeguard, when a perpetrator is in a show cause position and police grant bail, a police officer is required to provide a statement of reasons for the decision and record in QPRIME.

The QPS Ethical Standards Command report *Bail, Street Checks and Front Counter Reporting* (2021) assessed police bail decisions over the period 1 April 2020 to 31 March 2021. During the reporting period, less than 22% of police officers who granted bail to perpetrators in a show cause position provided an adequate statement of reasons.<sup>234</sup>

Poor communication by police with victim-survivors about the release of perpetrators from custody significantly increases the risk of harm. This is consistent with previous findings of the Domestic and Family Violence Death Review and Advisory Board and is exemplified in the following case:<sup>235</sup>

## CASE STUDY: MARY'S EXPERIENCE

Mary was an older woman who died in 2017 several days after a prolonged and vicious assault by John, her husband of over 30 years, during which he threatened to kill her, taunted, slapped, strangled and raped her. There was a significant history of domestic and family violence within their relationship, although much of it was not reported to services.

Several hours before her death Mary called police for the first time for assistance in relation to the abuse. She told them of verbal abuse and non-lethal strangulation that had occurred a week prior. Police asked her why she did not call them at the time, and she responded that she was too fearful.

They did not take any action at that time. Mary called police for a second time that night and made further allegations of abusive behaviour when they attended. John was intoxicated and uncooperative with police. Officers subsequently detained John and took him to a police watchhouse. He was issued with a Police Protection Notice which briefly described Mary's allegations and he was released from custody the same night.

Police did not tell Mary they had issued John with a Police Protection Notice. She was not told that the information she had provided to police had been communicated to him. Police did not contact Mary to tell her that he had been released from the watchhouse or that John might be returning to her home. John did return to the home and killed her in a prolonged attack. Audio of the assault that had been recorded by Mary, captured John telling her, as he attacked her *"...got a little read out of what you fucking told the fucking coppers out here, what a fucking load of fucking codswallop, and why I am doing this, cause I fucking read what you fucking told the fucking coppers..."*<sup>236</sup>

Irrespective of the action taken by police, the relevant details of a report of domestic and family violence must also be recorded in QPRIME in the required timeframes.<sup>237</sup> A failure to do so means that any future investigations are hampered by poor reporting practices.

The Commission obtained QPRIME records of all domestic and family violence related occurrences for May 2022. It is clear from those records there are vastly different reporting practices across the state ranging from a single line of information or no information at all to a detailed description of the officers' attendance at the call for service.<sup>238</sup>

In reviewing police processes and QPRIME data, the Commission identified issues with officers properly recording details of police occurrences in QPS systems, including instances of victim blaming and reports with scant detail.<sup>239</sup> Similar to concerns identified above, this is another issue which persists despite long-standing knowledge of the problem. The Domestic and Family Violence Death Review and Advisory Board<sup>240</sup> and coronial findings<sup>241</sup> have previously identified inadequate, incomplete and inconsistent QPRIME records as an issue which significantly limits the capacity of police to effectively respond to future calls for service.

## COURT PROCEEDINGS

Police have a responsibility to advise complainants and victim-survivors about what they can expect from court proceedings, to keep them informed of the progress of their matter, and to ensure adequate support is provided so they can take an active and meaningful part in the proceedings.<sup>242</sup> In their submissions to the Commission, the QPS recognised its obligations to victim-survivors and indicated it would welcome a recommendation for funding for Victim Liaison Officer positions within the QPS.<sup>243</sup>

The support provided to people experiencing domestic and family violence through civil and criminal proceedings can influence their willingness to continue to engage with court proceedings. A victim-survivor's willingness to engage with court proceedings helps to strengthen system responses to domestic and family violence and assists in holding perpetrators to account for their abuse.

Despite this, some police officers have a practice of telling both victim-survivors and perpetrators that they do not have to attend court.<sup>244</sup> This results in orders being made in their absence and removes the opportunity for a prosecutor to speak to the victim-survivor to determine suitable conditions for the order, and to negotiate a suitable outcome with the respondent in appropriate cases.<sup>245</sup> Where respondents are not present in court it is likely they will receive an order with conditions that do not suit the family or are not appropriate.<sup>246</sup> Further, a failure to explain the conditions of an order to a respondent increases the likelihood that the respondent will breach the order, even unintentionally, causing further distress to the persons the order is intended to protect.

Some victim-survivors reported a lack of contact from police following the initial investigation and response, even where criminal or civil proceedings were ongoing.

They also reported instances where police:

- minimised or misrepresented their experiences in court documents<sup>247</sup>
- discouraged them from pursuing criminal charges or failed to pursue charges<sup>248</sup>
- discontinued charges based on insufficient or lost evidence or concerns about the credibility of the victim's evidence.<sup>249</sup>

One participant to the Commission's survey explained her experiences in this way:

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Being more informed about the progress of the breach – this should be done in writing where appropriate for the woman's safety.

Understanding where the investigation is at assists to safety plan. For example, I was not informed the police were taking up with the perpetrator until after the ROI (Record of Interview) – this meant that I was not prepared for the back lash as a result of that ROI.

Simply, I could have done without the negative projections of QPS towards me; it actually takes a lot of bravery to report breaches of DVO or report domestic violence.

I now refrain from reporting breaches to QPS because I find the interactions with them almost as triggering as experiencing the violence at the whim of my perpetrator.<sup>250</sup>

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Police prosecutors have a responsibility to appear in police-initiated applications for Protection Orders and to assist victim-survivors make a private Protection Order application in some circumstances. However, the level of assistance offered to victim-survivors by police prosecutors is not consistent.

The contrasting evidence given to the Commission by two police prosecutors demonstrated this issue. Sergeant Michael Read, a senior police prosecutor, told the Commission that in Brisbane a prosecutor is specifically assigned to assist the court on days when private matters are heard. That prosecutor is responsible for reviewing the matters beforehand and informing the court of relevant information, including the existence of any other applications, the history and details of previous orders, and any relevant criminal convictions.<sup>251</sup> Conversely, Mr Jordan Theed, a civilian police prosecutor in northern Queensland, advised the Commission that there is no formal system in place in his area, and that when he attempted to assist the court in a private application he was told not to interject.<sup>252</sup>

The Commission also heard of poor brief preparation and inconsistent approaches to prosecutions and negotiations with parties. Mr Lewis Shillito, Director of Criminal Law for the Aboriginal and Torres Strait Islander Legal Service, told the Commission that negotiating with police prosecutions around domestic and family violence matters, specifically those involving breaches or related criminal offences, was particularly challenging. He gave evidence that negotiations would fluctuate and were dependent on the prosecutor assigned to the case, the station or office dealing with the matter and the relevant Officer in Charge, as their attitudes influenced their staff. Mr Shillito told the Commission of routine resistance to meaningful negotiations and a preference of some prosecutors to avoid making decisions but, rather, to proceed to hearing to allow the court to decide the matter.<sup>253</sup>



The Commission also heard of one police region that applied an unofficial policy of refusing to withdraw police applications for Protection Orders irrespective of the circumstances.<sup>254</sup>

Such an approach has significant implications for victim-survivors who have been misidentified as the perpetrator during an initial call for service and provides no recourse for officers to make a more informed decision if further relevant information is identified.

It is also inconsistent with the principles of the DFVPA which require that regard must be had to the person most in need of protection where there are competing allegations of violence, as well as section 9.69 of the Operational Procedures Manual.<sup>255</sup>

The Commission also heard of failings in the communication of court outcomes to parties.<sup>256</sup> Particularly concerning were instances where police were not willing or able to effectively explain the terms of orders made involving First Nations peoples, thereby increasing the risk of these orders being contravened.<sup>257</sup>

## COLLABORATIVE PARTNERSHIPS

Police are a part of a broader service system response to domestic and family violence and have a role in working collaboratively with other agencies to support and protect people impacted by violence. This may include:

- ensuring that referrals are made to appropriate support services for people experiencing domestic and family violence
- sharing information about high-risk persons with other services to develop appropriate case management responses
- participating in a range of partnership activities such as High Risk Teams, co-responder and co-location trials and local initiatives.

In their responses to the DVF-Q Survey (2022) (discussed in further detail in chapter 3), QPS members acknowledged the importance of working in partnership with other agencies and indicated they would value closer relationships with them.<sup>258</sup>

However, the Commission heard many examples of police failing to engage with available external specialist support services.<sup>259</sup> Community organisations identified a number of problems with police engagement with external services, including:

- a lack of awareness of, and respect for, the domestic and family violence support sector by the QPS<sup>260</sup>
- continued challenges with information-sharing, including insufficient information provided in referrals by police, and a lack of response to requests for additional information from services (including about potential risks to children)<sup>261</sup>
- significant concerns with the way victim-survivors were described by police in referrals, compared to perpetrators, and a lack of information in referrals,<sup>262</sup> including officers using language which justified or minimised the violence, such as *“they’re both as bad as each other.”*<sup>263</sup>

The Commission learned of language used by police in written referrals to support services which tended to justify or minimise violence which included the following examples provided by DV Connect and The Centre for Women & Co:

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**The Agg in this matter is not a suitable witness. She would not be able to provide a statement due to her dependence on alcohol and mental wellbeing.**

**Due to Sally’s self regulation inability as a result of ADAD and PTSD and relationship issues, there has been a number of heated verbal arguments recently.**

**Resp under pressure and stress as he is the only one working.**

**The incident involved a verbal argument which escalated when the male has pushed her outside the house and down the stairs. Sarah’s version of events is that he threw her down the stairs. (Police put a PPN [Police Protection Notice] in place with Sarah as the respondent and the male as the aggrieved).**

**Referrals including she wont stop complaining, just gearing up for family law court, just needs to learn about DV, doesn’t know whether to stay or leave relationship.**<sup>264</sup>

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The experiences of community organisations in working with specialist officers and collaborating as part of a broader coordinated response to domestic and family violence, such as through co-responder trials, are mixed. Some of the reflections shared with the Commission included:

- positive outcomes had been achieved such as improved reporting, communication, information-sharing and support, as well as enhanced police legitimacy<sup>265</sup>
- coordinated responses resulted in stronger relationships between police and domestic and family violence support services, leading to a better understanding of risk, as well as improved decision-making, safety planning and perpetrator accountability<sup>266</sup>
- partnerships can challenge the negative aspects of police culture, exposing officers to different ways of thinking and *“being less defensive and less prone to disrespect for women and victim-blaming.”*<sup>267</sup>

## IMPACTS FOR VICTIM-SURVIVORS

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While the Commission has received evidence that shows clear opportunities for improvement in the current police response, they also heard many examples of effective, timely and professional action taken by officers.

Ms Joanna Mason, an advocate and consultant for Resound, described a positive police response:

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**It was friendly. It was understanding. It was discrete and confidential. It was police working with me to try and find a way to reduce the duress of the situation through having conversations with me and the perpetrator. It was through police checking to see if I was okay and making me feel like my wellbeing was at the forefront of their concern, and safety. It was them not making me tell the story over and over again.**<sup>268</sup>

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This was echoed by some victim-survivors who expressed gratitude for the support offered to them by police officers and described the difference it made to be heard, believed and protected.<sup>269</sup> This included instances where officers took the time to listen,<sup>270</sup> responded promptly,<sup>271</sup> provided victims with information to keep themselves safe<sup>272</sup> and ensured that they were safe and understood what was going to happen next.<sup>273</sup> A victim-survivor who responded to the Commission survey said:

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**I didn't report it someone else did but i found the police very sympathetic, helpful, listened to my story and witnesses. Concerned for my wellbeing.**<sup>274</sup>

**They were incredible and they saved my life.**<sup>275</sup>

**But I was very grateful for the police help that I received. I was very happy by their whole attitude towards domestic violence.**<sup>276</sup>

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Victim-survivors also reported how powerful it was when officers held perpetrators to account by naming their behaviours<sup>277</sup> or by recognising coercive controlling behaviours.<sup>278</sup> One victim-survivor said:

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**Overall, I felt supported as I was in a situation I have never been in before and police helped me to realise the extent of concern for mine and my children's safety. I was then able to take steps to relocate my family to a safer place and have since dealt with numerous breaches from my perpetrator. On these occasions police have been 50/50 supportive and helpful. They have always been respectful and explained things mostly in detail with me.**<sup>279</sup>

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**...the domestic violence team have been amazing and very supportive through it all. I could not fault the officer currently helping me. He took the time to call me in regards to my questions and doesn't brush me off over things that may seem small to other people.**<sup>280</sup>

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Others highlighted elements that had worked well, including work done by specialist officers,<sup>281</sup> while also noting that there were substantial inconsistencies in responses across officers, stations, or districts.<sup>282</sup> This included that some police appeared to lack an understanding of domestic and family violence,<sup>283</sup> particularly non-physical abuse and other acts of coercive control.<sup>284</sup> One victim-survivor said:

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**Most of the police I had interaction with were professional and helpful. I did feel at times that they didn't specifically know how to help me in my situation and told me multiple times I needed to leave, disappear. I felt unsupported by regular officers who responded to my 000 call at my residence. I also was told multiple times to 'not poke the bear' referring to let some things go as to not aggravate my ex partner and the situation.**<sup>285</sup>

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Some victim-survivors also suggested improvements that recognised the difficulties police face in a system that is complex, unwieldy and often unable to provide the tailored responses so often required to respond effectively to domestic and family violence.<sup>286</sup> They also raised concerns about the mental health and well-being of officers, their treatment by senior officers and the difficulties of the job they are required to do.<sup>287</sup> One confidential submission said:

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**Having first hand knowledge of the treatment that some officers receive after voicing some doubt and disapproval of the way things are done, I would think the mental health of its staff would be top priority.**

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**It would appear that some career officers do not share the same concerns for their staff as these very same staff feel for the public – doing their duty every day, every shift. No one doubts that the job is a difficult one for police officers, in whatever capacity they serve, but the general public would be horrified to learn of the way some officers are treated (or have been treated) by senior member of the service.**<sup>288</sup>

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When discussing the shortcomings in police responses to their reports of domestic and family violence, victim-survivors described the consequences to them of a poor response by police including:

- emboldening the perpetrator<sup>289</sup> and exposing them and their children to further acts of violence<sup>290</sup>
- a loss of trust that police would be able to assist<sup>291</sup>
- stopping them from seeking further assistance from police<sup>292</sup> or making them reluctant to do so<sup>293</sup>
- being required to collect their own evidence of the violence they experienced<sup>294</sup>
- being misidentified as the perpetrator in the relationship even where there was evidence that they were the primary victim.<sup>295</sup>

Some victim-survivors described the impact on them as follows:

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**They dismissed, belittled and discounted me. They made the process impossible. They acted like the gatekeepers to whether or not my experience was even valid and worth their time. Not doing those things would be a good start.**<sup>296</sup>

**They could have taken me seriously, maybe then i would not have been electrocuted and raped by my ex and dumped by the side of the road.**<sup>297</sup>

**Listened and looked at the facts I'm 4'11 and 48 kilos my partner is 6'3 and 95 kilos. There is no way I could hurt him and he threw me around. They took me away and put me in custody.**<sup>298</sup>

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Community organisations further noted that poor experiences by victim-survivors when interacting with police can result in:

- a reluctance by victims to report their experiences of violence to the QPS, particularly on the part of First Nations women<sup>299</sup> when they are “*met with either a heavy-handed response or complete inaction and disbelief*” by officers<sup>300</sup>
- occasions which can “*further traumatise or re-traumatise*” victim-survivors, undermine their confidence and trust in police and courts and make them less willing to engage with police to pursue relevant criminal charges<sup>301</sup>
- heightened fear of retribution by a perpetrator because of a lack of a protective responses by police<sup>302</sup>
- victim-survivors being charged with offences such as drug possession, public nuisance, or property damage, after they have called police for assistance with domestic and family violence.<sup>303</sup>

## CONCLUSION

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The shortcomings in the QPS response to domestic and family violence, observed in many past reviews and reports, are still evident today. The QPS response to domestic and family violence continues to be inconsistent and at times inadequate.

However, despite the persistence of the problem, the hope for improvement is still strong. Among the accounts shared with the Commission about QPS responses to domestic and family violence was a prevailing optimism that change may yet result in better QPS responses in the future.

The Commission is in no doubt that a great many police officers respond well to domestic and family violence. It heard stories of diligence, competence and care that resulted in positive outcomes for victim-survivors.

However, the actions, and inactions, of police officers who do not respond well can have serious, long-lasting and, at times, fatal consequences. It is imperative that the QPS response improves so that it consistently meets the community's expectations that victim-survivors will be protected when they seek assistance from the QPS.

It is clear that change will require a sustained and dedicated commitment by the QPS leadership. The persistence of the problem of inconsistent and at times inadequate police responses over such a long time makes it plain that any reactive and quick fixes to the issues identified by the Commission will fail. Strong leadership, which provides the resources and cultural improvements necessary to facilitate positive police responses, will be essential.

One community organisation's submission expressed the need for strong leadership in this way:

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**Now is the time for them (victim-survivors) to be heard. Change needs to happen. It needs to be well considered, no more quick fixes, it needs to be sustainable, it needs to be transparent, and processes need to be put in place to enhance accountability.**<sup>304</sup>

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Acknowledging the fervent desire for change in the community, the next chapter considers the critical importance of the role of QPS leadership to this issue and some of the challenges it will face if it is to heed the call for change.

## FINDINGS

- Queensland Police Service responses to domestic and family violence do not consistently meet community expectations, and police officers do not always meet their human rights obligations to victim-survivors.
- The failure of the Queensland Police Service to meet community expectations when it responds to domestic and family violence persists despite multiple previous reviews and reports over many years identifying shortcomings in QPS responses and ongoing efforts to change.
- Where Queensland Police Service responses to domestic and family violence fall short of community expectations and its human rights obligations, they can do so at every stage of the interaction between police and people impacted by domestic and family violence, from the initial report to police, throughout an investigation, and during court proceedings.

# 3 The critical importance of leadership

Queensland Police Service (QPS) responses to domestic and family violence have been the subject of numerous reviews and attempts at improvement over many years. Various changes have occurred during this time. Some of those changes have fallen away quickly through inadequate funding or changing priorities within the QPS. Some have remained.

Despite this, as the previous chapter demonstrates, QPS responses to domestic and family violence continue to fail to consistently meet community expectations.

The fact that past reviews and recommendations and previous efforts to change, have not yet led to QPS responses which consistently meet community expectations demonstrates that future improvements will require a sustained and dedicated commitment from a strong and respected leadership.

This is likely to be a significant challenge for the QPS.

There are a number of reasons for this. First, responsibility for the organisation's continued inconsistent and at times inadequate responses lies at the feet of the leadership which has failed to implement effective long-term improvements. As a result, a large section of the membership feels let down by its leadership. Many police officers, and importantly those on the frontline, feel that the QPS leadership's public statements about improving police responses have not been matched by the resources necessary to allow the frontline to do their job well.

Further, wholesale improvements to police responses to domestic and family violence will not only require a demonstration by the leadership that it has heard the calls for more resources, it will require a cultural change in the way the QPS responds to domestic and family violence that will, in large measure, depend on the goodwill and motivation of its membership.

Inspiring this motivation will be difficult because a significant portion of the QPS membership is disillusioned with the leadership of the organisation. Police officers who joined the organisation with aspirations of making positive change in the community are tired and worn out because of their loss of faith in the current leaders and the impact of the leadership's decision-making on the way the membership does their job.

Moreover, improved police responses will require improvement to fundamental cultural issues of sexism, misogyny and racism, all of which impact negatively on QPS responses to domestic and family violence. Change in this regard will be difficult because of the culture of fear and silence which prevents the membership from speaking up about those issues and the changes that need to be made. The QPS leadership is responsible for that culture of fear and silence, but it is so ingrained that changing it will be hard to do.

Despite the challenges, if the QPS is to improve its responses to domestic and family violence, it will be important for the leadership to hear and acknowledge those among the QPS membership who feel abandoned, disillusioned and silenced. It is unlikely that present and future commitments by the leadership to improving police responses to domestic and family violence will be effective unless it does so.

## THE IMPORTANCE OF LEADERSHIP IN A HIERARCHICAL ORGANISATION

The importance of leadership in a hierarchical organisation such as the QPS is beyond doubt. First, it is the leadership that determines the resourcing and structures which will be directed to responding to domestic and family violence.

Second, the leadership influences the cultural issues that impact QPS responses to domestic and family violence. That is because culture starts at the top of a hierarchical organisation. The QPS itself recognises that the ethical tone of the organisation is set by its senior leaders.<sup>305</sup>

Codes of conduct, policies and procedures have less impact on the actions of an organisation's members than the words and actions of its senior leaders. The significant role of QPS leaders in shaping its members' conduct has previously been recognised by the organisation. In the QPS *Taskforce Bletchley* report, which reviewed allegations of excessive use of force by police on the Gold Coast in 2015, the authors observed:

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**Research has shown that the behaviour of supervisors, managers and leaders has more of an impact on staff behaviour than written codes of conduct or ethics policies. Leaders have direct influence on the behaviour of their followers and are responsible for shaping an organisation's climate by "providing meaning to policies and practices"... staff notice which behaviours are rewarded or punished by managers which in turn reinforces their own behaviour. Also, leaders who are seen to be non-compliant with company policies are more likely to find that staff follow their example. A leader's behaviour is seen as being a reflection on the "norms of the organisation", conveying "how things are really done".<sup>306</sup>**

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In this way, it is critically important that the QPS leadership not only ensures the right structures are in place to support its membership to respond well to domestic and family violence, but also that it creates a culture that promotes positive attitudes towards women, diversity and domestic and family violence.

The next section of this chapter considers the evidence before the Commission about perceptions of the membership that the QPS leadership has failed to support them by providing the resources necessary to ensure consistent responses to domestic and family violence.

## A SENSE OF ABANDONMENT OF THE FRONTLINE BY THE LEADERSHIP

There is a perception among the QPS membership that the leadership has not provided its members with enough resources to ensure the QPS is in a position to respond consistently well to domestic and family violence. The membership feels abandoned by its leadership, which is perceived by many as out of touch with the increasing pressures of responding to domestic and family violence.

Despite statements by the leadership that the demand on the QPS to respond to domestic and family violence is growing and that the organisation takes its role in meeting that demand seriously, members consider that QPS leaders have failed to provide the necessary resources to enable its membership to meet that demand. Members also consider that the leaders' rhetoric of support to its membership is not matched by actions that ease the burden of the QPS members at the coalface.

These views were conveyed to the Commission in mostly confidential submissions received from QPS members. They were accompanied by expressions of relief and gratitude at the opportunity to express their concerns and frustration with the inadequacy of the resources and support available to them.

### THE QPS DFV-Q SURVEY

The views of those who communicated directly with the Commission were consistent with views expressed in response to surveys of the QPS membership which were conducted in 2018 and 2022.

In 2018, the QPS engaged an external consultant, the Nous Group, to survey its members to assist the QPS to drive improvements in its responses to domestic and family violence. That survey, the QPS DFV-Q 2018, received 4,681 responses.<sup>307</sup>

In 2022, this Commission engaged the Nous Group to re-deliver the survey to inform the Commission's understanding of the membership's current views about the organisation's ability to respond. The QPS DFV-Q 2022 survey captured the views of a sizeable portion of the membership: 2,733 QPS members (15.7% of the workforce) responded.<sup>308</sup> Fifty-seven per cent of the respondents were general duties officers.<sup>309</sup> In addition to the responses to 33 questions designed to gauge levels of agreement, the survey generated 3,666 responses to free text questions about current strengths and areas for improvement.

The survey results reveal a membership disillusioned with the dissonance between the leadership's public statements about its investment in and commitment to policing domestic and family violence, and the reality.

The 2022 survey results demonstrate that QPS members are feeling pressure, from within the organisation and from the community, as a result of the increasing focus on domestic and family violence. More than 90% of the survey respondents indicated they consider the pressure is growing over time.<sup>310</sup> The full results in response to the proposition that "[t]he pressures on police officers who respond to DFV are increasing over time" were as follows:<sup>311</sup>

#### TOTAL 2022 QPS DFV-Q SURVEY RESPONSES

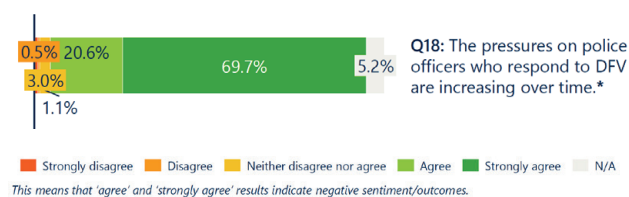


Figure 6: Response to the statement – The pressures on police officers who respond to DFV are increasing over time.

However, the survey respondents did not consider this growing pressure was matched by the organisation providing appropriate capacity or resources to meet the increasing demands for service.

There was a marked increase between the 2018 and 2022 survey in the percentage of respondents who think the organisation has not appropriately balanced the resources needed to respond to domestic and family violence.<sup>312</sup>



In relation to the resources made available by the organisation, the QPS DFV-Q 2022 survey analysis report stated:

**There is a strong sentiment that QPS members are not satisfied with the current structural arrangements supporting police responses to DFV. Close to 2 in 3 responses (61.0%) do not feel as though QPS has appropriately balanced its resources and personnel to respond to DFV matters. A further 18.4% responded unsure. Combining this with the negative responses suggests that 4 in 5 responses (79.4%) perceive that the balance of resources is not working well.<sup>313</sup>**

The dissatisfaction with the resources provided by the organisation is growing. The following graph shows the changes in the responses to the statement that the “QPS has appropriately balanced its resources and personnel to respond to DFV matters” between 2018 and 2022:<sup>314</sup>

#### TOTAL 2022 QPS DFV-Q SURVEY RESPONSES

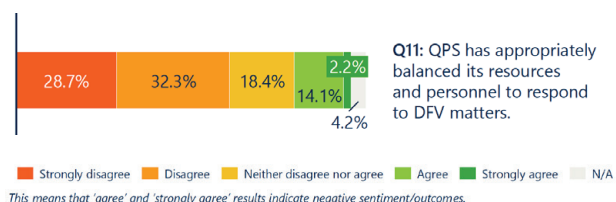


Figure 7: Response to statement – QPS has appropriately balanced its resources and personnel to respond to DFV matters

In addition to insufficient resources, survey responses show that many QPS members consider they are not given sufficient time to respond to domestic and family violence in a holistic way. In this regard, the survey analysis report noted:

**Less than 25% of officers, irrespective of rank, perceive that it is possible to respond effectively to DFV calls for service in the time available on their shift. This, combined with continued frustration in IT systems that support the DFV responses, and the time-consuming nature of DFV paperwork, led to officers feeling as though they are not able to dedicate the time required on their shift to complete their DFV-related work...**

**QPS members report feeling time pressured to move onto the next call for service without appropriately completing the matter at hand, which makes it more difficult to take the time to provide a holistic and considered response.<sup>315</sup>**

The results show that the perception that the membership is not given sufficient time to respond to domestic and family violence matters is a strong one. In response to the proposition that “[i]t is possible to respond effectively to

DFV calls for service in the time available to me on my shift”, the results were as follows:<sup>316</sup>

#### TOTAL 2022 QPS DFV-Q SURVEY RESPONSES

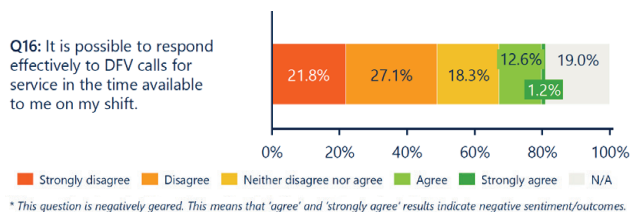


Figure 8: Response to statement – It is possible to respond effectively to DFV calls for service in the time available to me on my shift.

As can be seen from the above, only a relatively small percentage of respondents (13.8%) gave a positive answer to the question of whether it is possible to respond effectively to domestic and family violence calls for service in the time available to them on a shift. Close to 1 in 2 (48.9%) QPS members perceive that it is not possible to respond effectively to DFV calls for service in the time available to them on their shift.

The survey analysis suggests that, while QPS leaders aim to communicate the importance of responding to domestic and family violence, the lack of resources provided to its membership undermines that message. One survey respondent highlighted the inconsistency between the organisation’s stated commitment to domestic and family violence and the lack of resources in the following way:

**Upper management says take the time to do the job right. Middle management and Police Comms say ‘we’ve got more jobs lined up, can you hurry it up?’ Frontline officers are calling in sick... wonder why?<sup>317</sup>**

In relation to the disconnect between the leadership’s stated commitment to domestic and family violence and the resources made available to the frontline, the survey analysis noted that:

**QPS has committed to changes in approaches in recent years designed to support QPS members to appropriately manage DFV. While members appreciate the intention of change, the value of improvements have not always been realised by frontline officers or made a practical difference to their work. For example, while there has been some process improvement, members find systems and processes associated with the DFV response to be complex and cumbersome. Similarly, training has been welcomed, however the delivery through Online Learnings Products (OLPs) has not provided the optimum learning experience. In addition to this, while members appreciate the increased presence of Vulnerable Persons Units across the state, there is a sense that this support does not go far enough to support frontline officers manage the scale of DFV calls for service. This is contributing to a sense of cynicism around**

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**potential future changes and low buy in from members that changes will reap practical and impactful benefits to their role.<sup>318</sup>**

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As already noted above, the results to the questions were supplemented by 3,666 free text responses, which were also analysed by the Nous Group. The analysis of the free text answers revealed that QPS members are seeking greater investment of resources to appropriately respond to DFV. It also revealed the following theme when it comes to the membership's views of the commitment of the leadership:

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**Leadership commitment: There is a desire for leaders to more clearly support frontline officers and role model desired behaviours.<sup>319</sup>**

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Importantly, almost 80% of the membership who responded to the survey consider the organisation has not appropriately balanced its resources and personnel to respond to domestic and family violence, and the membership has a desire for leaders to more clearly support frontline workers.

## **SUBMISSIONS RECEIVED FROM QPS MEMBERS**

The QPS DFV-Q Survey results were consistent with what the Commission heard directly from QPS members about a pervasive frustration with the limited resources provided by the organisation to the frontline. Members told the Commission they feel let down and abandoned by the leaders who, having expressed a commitment to respond to domestic and family violence, have failed to provide them with the resources necessary to do so. One QPS member said:

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**Having heard the evidence of the Commissioner it is ... so offensive to hear how they spruik resources being poured into domestic violence investigations. I would strongly encourage the commission to request the roster from the domestic violence unit in [location redacted] over the past 6 months and see how many staff they actually have rostered on compared to their rostered strength. What is happening is not only negligent but outright shameful. The senior executive organizes 'photo ops' where they roster a large amount of staff on and showcase, only to return to a situation the following day where there is virtually no one available to deal with or investigate domestic violence incidents in the district.<sup>320</sup>**

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QPS members told the Commission that it is the lack of resourcing provided by its leadership that is to blame for poor responses to domestic and family violence. For example, a lack of resources means many police officers feel compelled to rush when responding to domestic and family violence, which can result in an inadequate response. One QPS member explained how poor resourcing can result in poor responses in this way:

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**During my career as a police officer, including recently, I have observed a culture of 'tick-and-flick' when it comes to domestic violence related jobs. As police, we are trained to look for certain indicators of Domestic Family Violence in accordance with section 8 of the Domestic Violence and Family Protection Act.**

**As a result I would see officers rushing through the various questions they needed to ask a victim for the purpose of knowing what action needed to be taken without actually listening to them properly. They would frequently miss important information because they were focused on resolving the job and not on the protection of vulnerable people. Allegations of strangulation have been made by victims and not disclosed on Domestic Violence reports by police. Officers commonly have a negative response to any victim who does not take their advice to leave their spouse or accept supports and remark that they are 'making their own bed' or even deserve further violence for not accepting help.<sup>321</sup>**

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QPS members who engaged with the Commission directly also expressed cynicism about the leadership's statements about the importance of responding effectively to domestic and family violence. One QPS member expressed a consistent theme heard by the Commission in the following way:

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**I've been in the QPS for over 20 years and there has never been more pressure from the very senior ranks that they care only about statistics – not people. The SDRP is clear on that point, figures are the answer to the executive – not the impact on real people.**

**Then frustration builds within the ranks and frontline police get inundated and overworked with no time to actually do the required inquiries or provide an appropriate response.**

**I love being a police officer, but it is getting very hard to turn up and do the job when we have our own people bringing us down.<sup>322</sup>**

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## 2021 WORKING FOR QUEENSLAND SURVEY

The perception that the QPS leadership has let down its membership by failing to provide sufficient resources for responding to domestic and family violence, outlined clearly within the QPS DFV-Q Survey results and the submissions received by the Commission, was also evident in the 2021 Working for Queensland survey results.

The Commission obtained the free text responses to that survey from the QPS. Those responses answered the question, “A friend has decided to apply for a job in your organisation. They have asked you to tell them what it’s like to work there. What do you tell them?”.<sup>323</sup> Of the 6,280 free text responses reviewed by the Commission, 2,245 (or approximately 36%) mentioned poor leadership generally.<sup>324</sup> Some of those specifically mentioned poor leadership in the context of the QPS response to domestic and family violence. One of the survey respondents provided this feedback to the organisation:

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**The QPS executive regularly states that it is aware of the pressures on the frontline. This is all rhetoric, because they truly have no comprehension at all. The frontline is at breaking point, and it is a miracle that we don’t have more sick leave than the large numbers we already do. Every time there is a vacancy in a specialist unit, they backfill from the front line. Every time a new command or division is created (eg FNMAU or the DV Command) it is ultimately the front line that suffers a depletion in numbers. These units are supposed to address the issues that affect the front line, but they don’t.**<sup>325</sup>

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Another QPS member who responded to the 2021 Working for Queensland survey said the membership is drowning because of the lack of appropriate resources. That QPS member said the QPS is:

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**A rudderless naval ship, but only the high ranks know its rudderless, headed towards the rocks. The rest of the crew is working hard, day to day, trying their best to manage the ever increasing risk, workload and stress. No matter how hard they toil and struggle, things just seem to get worse and worse as the ship slowly drifts towards the rocks, with the captain nowhere to be seen. Analogies aside, the stress caused by the revolving door of juvenile justice, higher rates of population without increased police officers, over work and poor work/life balance makes life very difficult. I would not recommend working for the QPS until the restructure/SRP is completed and you know how the job will be done. If you’re a hallway lurking coffee drinking cake eating indoors police officer you’ll be fine though. We’re not waving, we’re drowning.**<sup>326</sup>

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Some members did point to improvements in some areas as a result of middle management leaders who eased the pressure on the frontline. One survey respondent said:

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**I feel the culture and work environment has dramatically increased since the return of the 3 substantive SSGTS (return to SSGT [name redacted]). This has allowed this line of management to be effective and create an environment of inclusiveness and productivity. I report to SSGT [name redacted] who has been a breath of fresh air. His unbiased decisions, effective HR management in line with policy and leading by example has been noted by many instructors who are very comfortable with him as a manager. He is holding people accountable to their tasks and duties with respect to rank and engages staff through genuine empathy, kindness and knowledge. The rapport he is building within this work unit is increasing significantly each week.**<sup>327</sup>

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Overall, however, the evidence considered by the Commission shows a strong perception by the QPS membership that the organisation’s leadership has failed them by providing inadequate resourcing to support an effective policing response to domestic and family violence.

The inadequacy of the resourcing, and the negative attitudes to responding to domestic and family violence it has caused in the QPS membership, is considered further in Parts 2 and 3 of the Report. For present purposes, it is sufficient to observe that the QPS membership feels a sense of abandonment by its leaders in this regard and that that sense of abandonment will be a challenge the leadership must overcome if it is to improve QPS responses to domestic and family violence.

## PERCEPTIONS OF A FAILURE OF LEADERSHIP, AND A DISILLUSIONED WORKFORCE

A significant theme evident in submissions received by the Commission, and the 2021 Working for Queensland survey results, is that morale in the QPS is low, and many QPS members are disillusioned and feel betrayed by their senior leaders.

It ought not be thought that all QPS members feel a sense of low morale: there are plainly many passionate and optimistic police officers in the organisation. However, there is a pervasive sense of dejection about the direction of the organisation and many QPS members do not consider the organisation operates fairly.

As one QPS member expressed the view heard many times by the Commission:

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**The current leadership in the QPS is very poor, they do not have the respect of frontline police and morale is the lowest I have seen in my career.**<sup>328</sup>

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While leaders at all levels of an organisation can affect an organisation's culture and values, the ultimate responsibility for the culture and values of the QPS lies with its senior leadership. QPS documentation demonstrates that that is so. The Queensland Police Service Integrity Framework provides as follows:<sup>329</sup>

Leadership is integral to maintaining the integrity of the Service. Leadership in the QPS is not limited to those members of higher ranks and grades. Maintaining the integrity of the organisation requires leadership from every member of the Service and the acceptance of that personal responsibility. The QPS expects members at all levels to demonstrate appropriate leadership behaviours:

#### SENIOR LEADERSHIP

- Strong senior leadership is central to maintaining the integrity of the organisation. The ethical tone of the organisation starts at the top.
- Senior leaders must lead by example, act with the utmost integrity and professionalism.
- Model and promote public sector and QPS values and standards and expect and encourage similar behaviours in others.
- Senior leaders must create a culture in which employees are prepared to report misconduct and are supported when they do.

Figure 9: Extract from Queensland Police Service Integrity Framework

Many QPS members said the senior leaders have impacted negatively on the organisation's culture. One QPS member told the Commission:

**32 years I have given to this organisation and, whilst there are always gripes and whinges about how things are done, like any organisation, I have never known the culture of the QPS to be as toxic as it now. It all stems from leadership – the fish rots from the head as they say – ethics, transparency, accountability are largely optional qualities at the senior level.<sup>330</sup>**

Another QPS member said:

**There is a systemic problem within the ranks of the QPS that comes predominantly from senior management. Those in positions of management fail to perform their duties with integrity in fear of losing face with senior management, therefore compromise their morals and values system to fall into line of the wider QPS agenda, whatever the political motivation be at the time. In other words, officers are doing what they think they need to do to get accepted and promoted, despite the affect their actions have on others...**

**Officers best suited for management, true leaders, are overlooked by a corrupt system and those officers are driven to find alternative employment. In other words, incompetent management is driving away the competent officers, leaving behind many unmotivated and uncommitted officers who are in it for the power and employment, not to serve their community. Don't get me wrong, there are still some very good officers within the ranks, however, generally speaking, the culture of QPS management is at an all time dangerous level.<sup>331</sup>**

Submissions received by the Commission from QPS members repeatedly said that the organisation lacks integrity and attributed responsibility for that to its leaders. When submissions referred to a lack of integrity, it appeared to the Commission they referred to a failure to uphold the stated values of the QPS, create a positive and inclusive culture for its members or meet community expectations.

The submissions reflected a perception that the leadership has failed to ensure the QPS meets the expectations of its own Integrity Framework:<sup>332</sup>

Integrity is often defined as *adherence to moral and ethical principles; soundness of moral character; honesty and the state of being whole, entire, or undiminished*. When translated into an organisational setting such as the QPS it means:

- a) Upholding our values
- b) Performing our duties in accordance with legislation and policy
- c) Meeting our public sector governance and compliance responsibilities
- d) Ensuring a corruption resistant culture that aspires to the highest ethical standards
- e) Carrying out our functions and exercising our powers in line with community and organisational expectations.

Integrity and ethics is central to everything we do as a policing organisation. We cannot separate integrity from our everyday operations and processes because it is critical to the legitimacy of policing. Maintaining personal and organisational integrity is a requirement in conducting all our functions, duties and responsibilities.

Utilising an integrity framework provides a systematic, comprehensive approach to bring together key elements required to maintain the integrity of the Service. A framework approach allows specific issues to be brought into focus more clearly by highlighting the principles that drive integrity management in the Service. The framework seeks to promote an actionable process of thinking about integrity and then integrating that thinking into all planning, implementing, monitoring and evaluating processes across the organisation.



It applies at strategic, tactical and operational levels. It ensures our plans and actions are consistent with our values and standards. This framework identifies the key instruments, processes and structures the QPS has in place to protect and maintain the integrity of the organisation, yet is neither exhaustive nor static. In fact, the framework encourages monitoring and assessment of the effectiveness of legislation, policy and processes in meeting our integrity objectives.

The integrity framework is based around three principles. These principles underpin our approach to integrity and provide three areas of knowledge that are central to how we think about integrity and ethics.

- Values
- Leadership
- Accountability

The framework then provides the key actions which ensure we maintain and build the integrity of the organisation. These processes apply to all levels of the organisation. They are:

**Know what is expected**

**Educate and guide others**

**Ensure we do the right thing**

**Protect our standards**

In undertaking these processes we **KEEP** the integrity of the Queensland Police Service intact and give meaning to our motto, “With honour we serve”.

Figure 10: Extract from Queensland Police Service Integrity Framework

In the submissions and survey free text responses, disappointment in leadership was mostly expressed as a disappointment in the senior leaders, rather than managers and supervisors. Moreover, QPS members expressed frustration and disappointment at what they perceive are leadership failings of the Police Commissioner herself.

In particular, a number of QPS members expressed disappointment at the Police Commissioner’s handling of sexist comments made by other leaders at senior QPS conferences in the first few months of 2022.

In March 2022, at a QPS Senior Leaders Conference, an acting Chief Superintendent called out to a male presenter with a cut on his face, asking “*did she shut her legs on you?*”, referring to a senior female QPS member who had been involved in the speaker’s recent promotion.<sup>333</sup>

Then, in April 2022, at another conference for senior QPS leaders, a Deputy Commissioner used the term ‘vagina whisperer’ while opening the formal part of the conference on behalf of the Police Commissioner.<sup>334</sup>

Regarding the fact that both men were dealt with by Local Management Resolution, and neither incident was publicly denounced by the Police Commissioner, one QPS member said:

**In regards to the CoP being proud that [senior QPS leaders who made sexist comments in professional settings earlier this year] were**

**dealt with swiftly, well that just sums up that there are rules for some and not for others.**

**The QPS discipline process is a joke. Good officers have to wait for years to find out the outcome of their investigations even for honest mistakes that they have admitted to and accepted the responsibility for, yet [those senior officers] get theirs wrapped up in a matter of days or weeks and still can’t admit fully to what they did, or justify it!**

**The CoP then gave their excuses a platform by repeating their justification – [the acting Chief Superintendent] disputed the words said and [the Deputy Commissioner] and his friends call his friend the vagina whisperer in their friend circle. Well who cares! They were wrong, stop making excuses for them. It’s the epitome of male privilege in that males can refer to their gynaecologist friend as the ‘vagina whisperer’. None of those males have ever had to be exposed and vulnerable whilst in stirrups, having people looking at your most private parts, having medical devices and fingers inserted into your body by a gynaecologist or a Dr. The CoP should have never given their excuses any air, and all it does is demonstrate how accepting the most senior female leader of the QPS is of bad behaviour. And what message does that send to the rest of us, we have no right to be offended?<sup>335</sup>**

In the Commission’s view, these incidents demonstrate a failure of leadership at a number of levels. First, it is unlikely that those leaders would have made the comments in such formal settings if they did not consider they would be acceptable to the senior QPS officers in the audience. The very fact the comments were made tends to suggest a tolerance of casual sexism in the organisation.

The comments were also a failure by two senior leaders to model the attitudes and behaviours of respect towards women which a well-led organisation should model to ensure that it responds appropriately to domestic and family violence.

Given the QPS has previously acknowledged that the words and actions of senior leaders can convey the “*norms of the organisation*” more effectively than “*written codes of conduct or ethics policies*”, these comments set an unfortunate standard for the rest of the organisation when it comes to the question of respect for women.

Perhaps the greatest failure by QPS leadership in respect of this issue, though, was the failure by the Police Commissioner or other senior leaders to call out or denounce the conduct in the days or weeks after the incidents. Neither officer was required to apologise for his comments, to the audience members or the QPS membership generally. In neither case did the senior leadership issue a statement, to the audience members or the membership generally, that such conduct was not acceptable.

Doing so would have gone a significant way to letting the organisation know, despite the officers’ comments,

that disrespect towards women is not tolerated by the organisation. The failure to do so had the effect that the conditions in which sexism and misogyny can flourish continue to prevail.

Rather than call out or denounce the conduct, the QPS leadership dealt with both officers by way of Local Management Resolution. In both cases, Local Management Resolution entailed a private discussion with a more senior officer. In the case of the Deputy Commissioner, the Local Management Resolution was given by the Police Commissioner. In the case of the acting Chief Superintendent, the Local Management Resolution was delivered by an Assistant Commissioner. The acting Chief Superintendent was subsequently promoted by the Police Commissioner in July 2022.

The organisation's lack of response to the comments is telling. It demonstrates a lack of willingness to stamp out the expression of negative attitudes towards women even at the highest levels of the organisation. It also reinforces the perception, prevalent in submissions received by the Commission, that the senior leadership is treated differently, and often more favourably, than the rest of the organisation.

The failure of the QPS leadership to respond appropriately in these instances damages any organisational efforts to improve the problems of sexism and misogyny. These are cultural issues which negatively impact the organisation in many ways, including its ability to consistently respond well to domestic and family violence. It is likely to have had the concerning effect of sending a message to those QPS members who hold negative attitudes towards women that such views, and the expression of them, are acceptable within the organisation.

Beyond these incidents, QPS members expressed disappointment to the Commission about what they perceive is the Police Commissioner's failure to acknowledge the extent of the cultural problems within the QPS generally. One QPS member said:

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**There is a lack of integrity, transparency, accountability and competence at senior levels of the organisation. This is largely due to the organisation having rewarded people who have done the "wrong thing", and penalised people who have done the "right thing", over a long length of time.**

**....As you have seen in your evidence to date, there are simply no consequences for poor conduct and outcomes by people in leadership positions, with Commissioner CARROLL covering up or diminishing serious issues within her organisation, using spin and deception.**

**....While Commissioner CARROLL clearly inherited a poor QPS culture and serious leadership failings when she took over on 8 July 2019, she has only made it worse. She refuses to acknowledge there is a bad culture and has completely failed in her obligation to address the problem. The rate of decline in the culture has accelerated under Ms CARROLL's leadership.**

**....QPS will never function appropriately, regardless of whether it is service delivery models, domestic and family violence, crime, the management of internal or external complaints, whatever the issue, while there are people without integrity in charge. It is well known that people without integrity pull other people without integrity around them.** <sup>336</sup>

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QPS members were disappointed with a lack of improvement in the organisation's culture under the present Police Commissioner. One QPS member made the following comment:

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**We all hoped a female commissioner would have changed the culture sadly this hasn't happened. It is commonly spoken about within the police that if we had someone ask about joining the police, we all admit we would advise against.** <sup>337</sup>

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QPS members told the Commission they consider that the Police Commissioner's minimisation of cultural issues might be a consequence of being removed from the membership as a result of her leadership position. One QPS member said:

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**I disagree with Commissioner Carroll's assertion where she told the inquiry she "can't accept" that sexism, misogyny and racism within the QPS were "widespread" issues. To be fair to Commissioner Carroll, maybe she no longer sees it in her everyday work experience.** <sup>338</sup>

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Many QPS members spoke of a lack of trust and faith in the Police Commissioner. Conversely, a small number of QPS members spoke in support of the Police Commissioner and her track record, particularly at the Queensland Fire and Rescue Service, of facilitating cultural change. One supporter, who is not a QPS member, said:

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**Katarina Carroll is the right leader to make widescale change in QPS culture, but this will take time and it would be foolish to change leadership at this juncture. The women of Queensland exposed to unacceptable domestic violence behaviour will benefit from her leadership and her cultural stewardship - she needs time to unravel the challenging culture that has developed on the watch of the male Commissioners who came before her.** <sup>339</sup>

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## 2021 WORKING FOR QUEENSLAND SURVEY RESULTS

The Commission is mindful that, although there was remarkable consistency in the strong views expressed in QPS submissions about a lack of integrity on the part of the QPS leadership, those views came from a small number of submissions relative to the size of the organisation. Taking those submissions alone, it would not be possible for the Commission to draw any conclusions about the prevalence of those views across the membership.

However, the membership's responses to the 2021 Working for Queensland survey demonstrate that a sizeable portion

of the QPS membership considers that its leadership is not of a high quality and does not operate with a high level of integrity. In this way, the survey results tend to suggest that the views expressed in QPS submissions are more widely held than just by those members who communicated directly with the Commission.

The 2021 Working for Queensland survey was completed by 11,029 QPS members (approximately 68%) of the organisation. The results revealed that less than half of the respondents considered the leadership is of a high quality or operates with a high level of integrity.<sup>340</sup>

In respect of the quality and integrity of the leadership, the 2021 Working for Queensland survey results were as follows:<sup>341</sup>

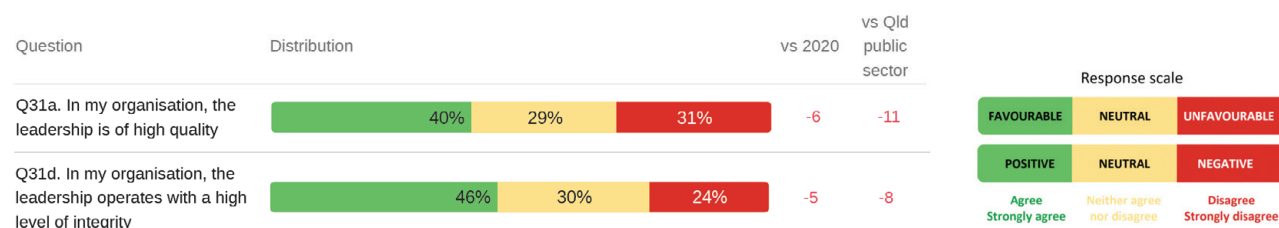


Figure 11: Responses to leadership questions in Working for Queensland survey 2021

As can be seen from the responses above, the 40% positive sentiment to Q31(a) *In my organisation, the leadership is of high quality* and the 46% positive sentiment to Q31(d) *In my organisation, the leadership operates with a high level of integrity* are significantly lower than the average results from across the public sector (11 points lower and 8 points lower respectively). Both questions also experienced reductions in positive sentiment from 2020 (6 points lower and 5 points lower respectively).<sup>342</sup>

The results demonstrate that the views of the QPS members who directly engaged with the Commission were broadly consistent with a significant cohort of the entire membership.

As noted above, the Commission obtained the free text Working for Queensland survey responses from the QPS and reviewed them. Of the 6,208 responses to the survey reviewed by the Commission, 2,582 (approximately 42%) responses spoke in negative terms about working for the organisation. Comparatively fewer spoke in positive terms: 1,176 (approximately 19%). The remainder spoke in mixed or neutral terms: 2,450 (approximately 39%).<sup>343</sup>

An analysis of those free text responses shows that many survey respondents were concerned with failures of leadership at the senior level. One respondent expressed that disillusionment in this way:

**At present, the QPS appears to be a directionless ship that is just floating around on the vast ocean hoping to avoid any dramas while the bosses sit back and collect their inflated pay checks and wait to retire with ridiculous pensions whilst the real workers are left to panic, not knowing what they can and cannot do and unsure as to whether their actions will cause them to lose their jobs.**

**They are forced to 2nd guess everything they do, for fear of reprisals and have settled on the conclusion that the safest course of action is to do nothing at all and bury their heads in the sand, thus avoiding the risk of losing their job because top management feel the need to throw them under the proverbial bus as a sacrifice so that they may keep their own jobs. There is no accountability within the QPS hierarchy and the values that they hold the rest of us to are as clear as mud. The whole organisation needs a complete clear out at senior level and in my honest opinion, the Fitzgerald enquiry [sic] isn't worth the paper it is printed on and there needs to be a new enquiry undertaken, and real changes implemented, ones that don't paper over the cracks and protect the pensions of the top brass.**<sup>344</sup>

More than a third of the total responses (2,245 out of 6,208) mentioned poor leadership. Given that the question did not seek a response in relation to leadership, this tends to highlight the strength and pervasiveness of the view about poor leadership.

Of those responses that spoke in positive terms about the organisation (which was less than 20% of the total responses), few specifically mentioned a positive view of the organisation's leadership. However, some did. One survey respondent said:

**I encourage you to join the Qld Police Service. It is a safe and secure workplace and the organisation has strong leaders who value the safety of their people and the community of Qld.**

The QPS has excellent values, purpose and vision and there are a wide range of opportunities available in a variety of different fields. The QPS works together with the community and other agencies to ensure that the community of Qld are kept safe. It is a challenging but very enjoyable and rewarding occupation. Sworn and unsworn staff are fantastic people.<sup>345</sup>

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Interestingly, the Commission's review of the 2021 Working for Queensland survey responses also revealed significant levels of dissatisfaction with the organisation's management of the Working for Queensland survey process itself and the veracity of the results, suggesting that some members consider the results are unduly favourable to the organisation. The survey responses included the following:

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**Management has specifically encouraged us the staff under them to fill out this Working for Queensland survey that shows them in a favourable light instead of being truthful and honest.**<sup>346</sup>

**Being told in a meeting that if the WFQ results come back overwhelmingly negative that teams may be micromanaged or scrutinised further and stating specific examples of where this has occurred elsewhere in the organization.**<sup>347</sup>

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Other responses expressed cynicism about the leadership's commitment to genuinely address concerns raised by the membership in the survey. The survey responses included the following observations:

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**I have no expectation that this survey will bring any change as previous years have proven.**<sup>348</sup>

**I feel each year the WFQ surveys are completed and results are not taken seriously or the results are manipulated to suit what the required outcome from the view of upper management.**<sup>349</sup>

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At a Commission hearing on 5 October 2022, Police Commissioner Katarina Carroll attributed the low scores in relation to leadership in the 2021 Working for Queensland survey to a variety of factors. She said:

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**The month that this survey took place was also the month that I gave a direction for the vaccine mandate, and when you look at the qualitative data there was a lot of people very angry about that mandate. The data also shows that the organisation was tired and overworked and angry, because we're into the second year of COVID, and they honestly believed that the senior executive could not appreciate that the pressure was – what they were under. And on top of that – ... – that they**

**couldn't meet demand already from two, three previous years, and here we were putting 12, 1,300 some days to COVID, and on top of that we were going through massive reform, and particularly also in areas like SDRP that had even more negative responses about leadership in that regard. So there was a lot of things that played into this. I knew the survey results were going to be very, very different this year, and it turned out exactly how I thought it would be. And if you look at – sorry, if you look at the survey results prior to that, '19 and '20, there was excellent increases in those previous years, and pleasingly, and then we hit this one and it's sobering; it's difficult to look at.**<sup>350</sup>

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The free text responses to the survey did show a significant portion of responses demonstrated dissatisfaction with the COVID-19 vaccine mandate, however, the negative responses to that issue and reforms such as the Service Delivery Redesign Project are not the only drivers for the membership's views of its leadership. Integrity is also plainly a factor.

QPS members told the Commission that the lack of integrity among its senior leaders had a negative impact not only on culture generally but also on the organisation's responses to domestic and family violence including, as outlined in the previous section, a perceived failure to provide appropriate resources to support an effective response.

## DISILLUSIONMENT AND CYNICISM

QPS members said that the lack of integrity of its leadership is causing the membership to become disillusioned, and even to leave the organisation. One QPS member said:

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**The information you have been presented with by the senior executive of the QPS is a facade, driven by an intent to deflect and minimise, and designed with the protection of personal agendas and reputations of its leaders, as its primary focus.**

Commissioned officers in particular, have completely failed in their duty to support anyone who raises concerns, or attempts to highlight and/or manage underperformance and poor culture. When they are faced with a decision between what is right, and what is easy, they choose the path of least resistance every single time. The organisation is infected and awash with a perfect blend of apathetic mediocrity mixed with a healthy dose of entitled laziness, and the members who genuinely care: about the community, about victims, about their personal values, about the organisational values, are broken, dwindling and resigning enmasse. They are being ostracised, bullied and conveniently ignored until things become untenable, and then written off as another 'mental health' related statistic, with the end point being a gagged sideways exit for the affected member.<sup>351</sup>

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The 2021 Working for Queensland survey results confirmed that less than half of the QPS membership feels motivated by the organisation to achieve its objectives or inspired to do the best in their job:<sup>352</sup>

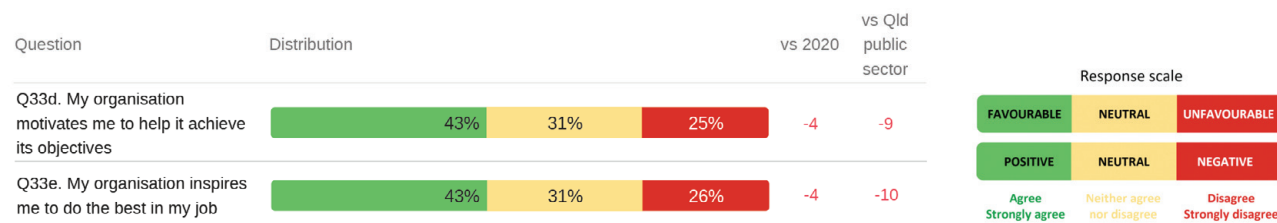


Figure 12: Responses to motivation questions in Working for Queensland survey 2021

As the above graph demonstrates, the 43% positive sentiment recorded in response to both questions is significantly lower (nine points and 10 points respectively) than those generated across the public sector generally. Both questions also recorded 4 point reductions in positive sentiment from 2020. Almost one third recorded neutral responses to both questions (31% each) and one quarter of respondents disagreed (25% to Q33[d] and 26% to Q33[e]).

It is perhaps trite to observe that a membership which is motivated to put the QPS's stated commitment to domestic and family violence into practice is essential. QPS submissions to the Commission linked the membership's perception of its leadership's lack of integrity with their low levels of motivation, or morale. In this way, the current perception by the membership that its leadership is lacking in integrity can be seen to be detrimental to the organisation's ability to motivate its membership, which, in turn, affects the ability of its membership to respond consistently well to domestic and family violence.

The 2021 Working for Queensland survey also shows that there is significant cynicism about organisational efforts to create change. Only one third (32%) of the respondents agreed with the following statement: *"I believe the changes being undertaken across the QPS will have positive benefits for my workplace"*.<sup>353</sup> The remaining two thirds of the respondents were equally divided between a neutral response and a negative response (34% each).<sup>354</sup> One survey respondent said:

[T]he QPS is going through a massive change at the moment and it has been handled poorly.<sup>355</sup>

Some QPS members consider that one of the problems with the senior leadership is that there is lack of diversity of thought at the top of the organisation. One QPS member said:

When the QPS Commissioner refers to 'Senior Leaders', we do not have leaders. We have senior ranking officers. Commissioned officers automatically refer to themselves as 'Leaders' due to rank. They are not leaders. They are more akin to managers.

To get promoted within the QPS to commissioned ranks, you must comply with the 'Group think' of the senior ranking officers.

No officer that thinks differently to them or with alternative ideas, will get promoted. The senior ranking officers do not want to be challenged with their decisions. They manage by bullying and abuse. I have been privy to online Teams meetings when Senior Ranking officers at Deputy level have abused officers for questioning a decision. Of course, you do not report this behaviour as it is a career destroying move.

If an officer does get promoted to Inspector, they must conform to the group think. If they don't, they will be referred to as not being a 'Good fit for the organisation'. This means they will go no further in rank and will not have the same opportunity as less competent commissioned officers who do conform.<sup>356</sup>

QPS member submissions show that many consider that cultural change would require a change in leadership. One QPS member expressed that view as follows:

I am not a scorned officer done wrong by the QPS. I have never been disadvantaged in a promotional sense, nor caught up in any major complaints/ investigations. I have no personal grievance, real or perceived, and am proud of my career. I am however, horrified by the decision-making I observe on a daily basis, which I'm confident occurs in police stations across QLD.

We need a comprehensive clean out of the top echelon of officers in our hierarchical structure, to be replaced by leaders who aren't afraid of reform and have the backbone to call out the apathy and laziness. There is no such thing as an organisation with a toxic culture that also has great senior management. Without this reform, we will continue our current downward spiral into the cultural abyss.

We also need to start from scratch with our DFV responses. If we are serious about delivering the kind of DFV service delivery the community deserves, we need 1000s more officers. Difficult to request in light of our current failings, but reality none the same.<sup>357</sup>

QPS members told the Commission they thought that an improvement in the calibre of senior leaders would improve the culture of the QPS, and its ability to respond well to domestic and family violence. One member expressed the matter this way:

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**A review of the appointment processes for senior management positions ensuring heavy focus on appropriate qualifications, experience and commitment to contemporary management practices, and encompassing civilian applications. It is perhaps not an overly long bow to draw to concede that if management culture issues are addressed, then this will positively spill over to promote better outcomes in the QPS response to DV, and dilute any misogynistic attitudes that may exist.**<sup>358</sup>

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Although QPS members spoke about a lack of integrity with the senior leadership generally, several recognised that many leaders, particularly at supervisor level, try to do the right thing by their people. One QPS member said:

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**I would also like to add that whilst there are some ignorant and quite frankly disgusting people in the QPS who should have never, ever have been allowed to be an officer, there are also dedicated, talented and driven individuals, both men and women, who's personal striving solves some of the most difficult crimes in the State.**

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**Some of the best, most supportive supervisors I've had have been men who have gone above and beyond to promote my work, give me incredible opportunities and support me in hard times. Honestly this is the norm. I am not going to pretend there isn't systemic misogyny, I think there is, but there are also incredible men who lead with integrity and should not be tarred by the actions of others.**<sup>359</sup>

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Many QPS members told the Commission that they consider that, mostly, their colleagues are good officers who would like to see improvement in the organisation's culture and its responses to domestic and family violence, but they are hampered by poor leadership at different levels of the organisation, starting at the top. One QPS member expressed it this way:

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**I will say that most of my male [redacted] colleagues are good men however we are let down by our hierarchy from the rank of Inspector and above who leave a lot to be desired and many have been promoted, or had their promotions endorsed, by our current female Commissioner. I find the actions of the Commissioner in the promotion of some of the most sexist, bullying and misogynistic males both surprising and disappointing...**

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**The majority of the male officers from recruit to Senior Sergeant are good and decent men however our current hierarchy from Inspector above are not of the same calibre. Unfortunately, we lost many senior women and upstanding senior men during the 2013 restructure, the culture of bullying and sexism now is worse than ever.**

**The behaviour of QPS management is extremely concerning, I'm sorry to say we do have a cultural problem.**<sup>360</sup>

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The perception of a biased and broken promotion system within the QPS, referred to in the above submission but echoed across many, is also borne out by the responses to the 2021 Working for Queensland survey. In answer to the question about recruitment and promotion, only 25% agreed that promotion decisions are fair (32% were neutral and 43% disagreed), a result 13 points lower than across the public sector as a whole).

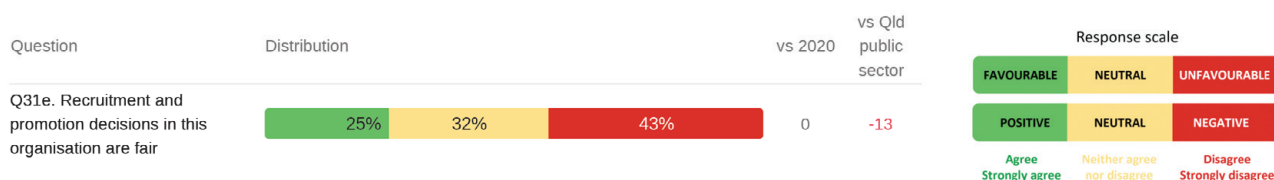


Figure 13: Response to a recruitment and promotion question in Working for Queensland survey 2021

Some QPS members told the Commission they consider that the promotion of the acting Chief Superintendent who was given Local Management Resolution for the sexist comment made at a conference is illustrative of the unfairness in the promotional processes in the QPS. In that instance, the officer's disciplinary complaint was overseen by the Assistant Commissioner who sat on the promotion selection panel (and declared this oversight),<sup>361</sup>

the Deputy Commissioner on the panel was listed on the Superintendent's job application as a referee (although did not in fact provide a reference once he was allocated to the panel) and was the same Deputy Commissioner who provided the Police Commissioner with a report on another matter in which it was clear that remarks made by this officer at a later conference demonstrated a lack of remorse for his earlier behaviour.<sup>362</sup>



The subsequent promotion selection report, authored by the same Deputy Commissioner, indicated that there were no integrity issues associated with the recommendation of the Superintendent for promotion.<sup>363</sup> When the Police Commissioner was asked at the Commission's public hearings about having promoted the Superintendent to Chief Superintendent, she said that she had not wanted to endorse the promotion but did it because she thought if she did not promote him and he appealed, he would have been successful.<sup>364</sup>

In the Commission's view, this demonstrates, at best, a promotion system that is flawed and one that demonstrates that poor behaviour is no barrier to promotion in the QPS. The Commissioner could have shown strong leadership on this matter by promoting the next person and publicly standing against the recommendation. Even if the person had appealed successfully at least the organisation would have had a clear understanding of the Police Commissioner's position on the matter.

## THE IMPACT OF COVID-19

When the Police Commissioner gave evidence, she said that the QPS had been placed under enormous pressure during the COVID-19 pandemic. In its written submissions, the QPS reiterated the impact that COVID-19 had on the organisation, describing the organisation being at the *"vanguard of the community's response."*<sup>365</sup> The Commission accepts without hesitation that the pandemic created enormous challenges for the community generally and the police in particular. It acknowledges that the QPS played a significant role in keeping the community safe through that period.

However, the Commission also notes that the safety risks to people affected by domestic and family violence did not cease during that time and, in many cases, those trapped in violent relationships faced increased risks.

The QPS leadership was aware that the pandemic created enormous risks for those who were in domestically violent relationships. On 16 April 2020, the Assistant Commissioner, Southern Region was provided with an intelligence assessment in relation to the likely impact of COVID-19 on regional Queensland domestic and family violence occurrences.

It was assessed that the likelihood of a catastrophic consequence was very high. The assessment identified that it was highly likely that cases previously assessed as no-DFV would escalate to domestic and family violence cases and that coercively controlling behaviour within families and between partners would increase. It was assessed as likely that there would be an increase in the high and very high risk cases with an increased risk of the use of firearms in regional Queensland domestic and family violence incidents.<sup>366</sup>

It was clearly not a time to be looking away from the need to properly police domestic and family violence. And despite the difficulties associated with responding to the COVID-19 impact, it remained imperative that the QPS continued to focus on improving its responses to domestic and family violence.

Based on the 2021 Working for Queensland survey results, and what QPS members told the Commission directly, it is apparent that there is a significant level of concern within the QPS membership that the leadership of the organisation is lacking, and that the failures of its leadership have negative impacts on the culture of the organisation generally, and the ability of the QPS membership to respond well to domestic and family violence more specifically.

This perception among the QPS membership ought to be of concern to its leadership. Many QPS members raised this issue in submissions to the Commission. It needs to be heard and addressed more widely in order to improve the culture of the organisation. If the leadership is not respected by its membership, it will be difficult for it to implement and embed meaningful improvements to its responses to domestic and family violence.

The next section examines what QPS members said about the leadership being responsible for a culture of fear and silence among the membership, and the chilling effect that has on the ability of the organisation to improve its culture and make other changes necessary to improve its responses to domestic and family violence.

## A CULTURE OF FEAR AND SILENCE

The QPS membership considers that the QPS leadership, at different levels across the organisation, is responsible for a culture of fear and silence within the organisation. One QPS member said:

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**The QPS is full of good people however the culture is such that good men and women do nothing when they see internal bullying and unfair decisions, for fear of being the next "fox on the fence". You learn very quickly in this organisation to look the other way when you see bad behaviour by management, and those who have the support of management.**

**There is a way of doing business in the QPS which I believe is the part of the culture which allows these behaviours to continue, and which sees many good and capable officers become disillusioned and leave the job. Management ignores these behaviours almost at all costs, leaving the victim to suffer in silence.**

**If it gets to the point where Management are unable to ignore it, they move one or more parties but in no way acknowledge the behaviours.**<sup>367</sup>

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The culture of fear and silence within the QPS was observed first-hand by the Commission. Most QPS members who provided information to the Commission after the Police Commissioner gave evidence on 18 August 2022 did so anonymously or with requests for confidentiality. The following graph shows the number of requests for confidentiality and a sample of the remarks attached to the requests received by the Commission:



Figure 14: Requests by QPS members for confidentiality in submissions provided to the Commission after the Police Commissioner gave evidence on 18 August 2022



QPS members who provided information to the Commission expressed a fear that, if the organisation knew they had spoken to the Commission about cultural or other issues within the organisation, they would suffer career damage, by way of lost job opportunities, promotions or the opportunity to attend courses. Many said they had seen this happen to colleagues who had spoken out about issues in the past or that they had, themselves, been subject to such consequences when they had previously raised concerns.

One QPS member expressed the fear of speaking out as a fear of reprisal by way of being “blacklisted” by the organisation and being denied promotion and training opportunities:

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**I am an officer with in excess of 30 years operational policing experience. I have seen first hand significant sexism, racism, bullying and harassment by senior leaders in the QPS. If you do not do what they say your career is effectively blacklisted.**

**Junior officers will not come forward and report the above issues due to fear. This could be from a fear of serious bullying, harassment such as not being provided development/promotion/training opportunities. I have been subject to this personally and many of my colleagues have been as well but you just have to accept it.**<sup>368</sup>

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Others also spoke of a pervasive fear of being perceived as a ‘dog’ and the reputational damage that flows from being saddled with such a reputation. One QPS member expressed that fear this way:

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**I am very fearful in making this submission, and over my years of service I have never said a word against the things I observe internally in the organization. Speaking out will have a severe impact on my career. If anyone ever finds out my reputation as [role redacted] will be completely ruined. I will be labeled ‘a dog’ ‘a snitch’ and that reputation would follow me anywhere I go in the state effectively destroying my career, my opportunities for promotion, attending courses, getting secondments etc.**<sup>369</sup>

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Further evidence of the strong culture of fear can be seen in the interviews conducted by retired Detective Superintendent Mark Ainsworth. Mr Ainsworth was engaged by the Commission to conduct interviews with QPS members in order to inform the Commission’s inquiries. Of the 53 QPS members interviewed by Mr Ainsworth, only five were content for their identity to be known; 90% requested confidentiality and did not want the QPS to know they had provided information to the Commission.

The fact that these requests for confidentiality came even after the QPS publicly encouraged its membership to co-operate with the Commission demonstrates the membership’s perception of the lack of integrity in the leadership. Despite the public announcement, many members clearly did not consider the leadership’s encouragement to be genuine.

QPS members told the Commission that the culture of fear is worsened by cultural issues being swept under the carpet by those in senior management positions. One QPS member expressed their concerns this way:

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**The QPS is the biggest boys club and look after their own senior management by sweeping everything under the carpet. Misogyny is rife in the QPS. I could go on and on and provide evidence of my allegations. Obviously officers are afraid of coming forward as it’s common knowledge that you will be outed and punished by ways of not allowing you go on career progression and courses etc. We have managers of each individual station running their own rules and policies there is no consistency. There is favouritism especially in the male senior management.**<sup>370</sup>

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Other QPS members told the Commission that the culture of fear was not just initiated at the top of the organisation, but that some leaders in middle management positions contributed to it by making life miserable for individual officers. These leaders negatively impacted workplace culture when they did not create an environment that made it safe for members to speak up about cultural issues. One QPS member said:

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**When I disclosed with my OIC that I was struggling with my mental health, he suggested that perhaps Policing wasn’t the job for me and it’s probably time to look elsewhere. I was visibly upset and used about 5 tissues during my conversation with him about my feelings. I found him to be completely unsupportive and arrogant...**

**I am not proud to be a member of the Queensland Police Service. I would not recommend the job to anyone. I will discourage my family and friends from applying for the QPS. I am hopeful of cultural change. I want to love what I do and be proud of my uniform. There is so so much that needs to change.**<sup>371</sup>

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Some officers become too afraid to speak up to improve cultural issues within the QPS because of the ‘institutionalisation’ of the culture of fear and silence. One QPS member described the issue this way:

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**An organisation’s culture is lead from the values and actions of those in senior position – whether it’s those in the senior executive, an officer in charge or a team leader. Furthermore, I do believe there are officers who want to do the right thing, and abhor the culture of sexualisation, misogyny, racism and unprofessional behaviour, however I do believe that they suffer from bystander effect and lack the courage to address it as they don’t want to be ostracised, which is indicative of institutionalisation into a culture of silence.<sup>372</sup>**

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Another QPS member said that the culture of fear meant that some people sought to align themselves with the ‘right’ people to avoid being harassed, intimidated or targeted by management:

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**The current culture within the QPS is greatly, negatively affected by the inability of those in management positions to actually do their job with any level of competence. The promotion system is corrupt, with some officers being provided with interview questions prior to the interview to enable preparation others aren’t granted. There’s a favouritism to those in minority groups, with the entire promotion system being ridiculously subjective.**

**As a result of a corrupt promotion system, many officers in positions of management are not suitable which results in a flow down affect, affecting not only performance of those under their control, but morale, and in turn, job satisfaction and quality of commitment to jobs attended. The current incompetence of QPS management has led to a work force of officers who no longer are proud to be part of the Organisation and just show up to get paid. Management have killed the spirit of their work force and are currently operating on good will rather than motivation.**

**The QPS is a broken Organisation, filled with morally corrupt management who rule with a culture of fear. I have referred to working within the Organisation as ‘QPS Survivor’, where to get anywhere you need to align yourself with the ‘right’ people, and be willing to stab people in the back when necessary. To those of us that aren’t game players, but can’t sit back and just watch the internal injustices, QPS management makes sure to harass, intimidate and target you to the point of either resignation or medical retirement.<sup>373</sup>**

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Professor Andrea Phelps, Deputy Director of Phoenix Australia, the Centre for Post-Traumatic Mental Health, gave evidence in a public hearing about the importance of promoting an organisational culture in which people are encouraged to speak up when they need to. She said:

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**So we really want to promote environments where there are fair rules, where there are transparent rules, where people feel that they can safely speak up without negative consequences, where within the limits of what’s possible they can maintain a sense of control and agency.<sup>374</sup>**

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Unfortunately, there is a sense among the membership that those within the organisation who try to speak up about issues within the QPS are silenced, such that the senior leadership might not be able to hear what its membership really thinks about the organisation and how it is being managed. One QPS member explained the issue in this way:

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**I have no belief in the present executive leadership of the QPS and the organization is in disarray. Currently there is a total lack of leadership and poor management and I can honestly state that service delivery and morale is the worst it has ever been. Executive management are ‘tin-eared’ to the current organizational climate and the unyielding workload burden placed on rank-and-file officers.**

**Senior management display no genuine concern to the troops at the coal face and it would be a fair statement to make that a lot of senior officer’s at the rank of Senior Sergeant, Inspector and above are primarily concerned with where they can identify their next promotional opportunity to climb a higher rung up the corporate ladder and become further removed from the operational and first response officers.**

**The divide between the troops and management has never been greater and those that attempt to speak up get muted. The Commissioner and senior management all try to convince one another of what a great job they are doing when in reality they are just playing politics and promoting the Government’s agenda.<sup>375</sup>**

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The culture of fear and silence, and the chilling effect it has on complaints about sexism, misogyny and racism is considered further in Part 3 and Part 4 of the Report.

If the QPS is to make meaningful improvements to its responses to domestic and family violence, it is critical that it hears the concerns of its membership, identified in this and later Parts, and acts on them to erode this culture of fear and silence.

## CONCLUSION

The organisation has a long road ahead of it to create structural and cultural change that will improve its responses to domestic and family violence. Strong leadership will be critical. The leadership must be willing to frankly acknowledge the breadth and depth of the organisation's failings to date, and the concerns of its membership, so that real and sustainable improvements can be made.

The Commission accepts that it is difficult for a paramilitary organisation such as the QPS to overcome the membership's fear of speaking up. But it will be essential that it does, to improve its culture generally and to improve its responses to domestic and family violence in particular.

Part 5 of this Report considers the present complaints system and the changes to the system the Commission considers will be necessary to improve the culture of fear and silence in the QPS.

## FINDINGS

- There is a strong perception among the Queensland Police Service membership that the leadership has failed to meet its stated commitment to improving police responses to domestic and family violence and to equip them with the necessary resources to effectively respond. It will be difficult for the leadership to effect meaningful improvements to its domestic and family violence responses while this perception remains.
- There is a strong perception that the Queensland Police Service leadership lacks integrity. The perception of a failure of integrity at the leadership level has caused, or at least contributed to, low morale across significant sections of the membership. It will be difficult for the leadership to effect meaningful improvements to its domestic and family violence responses while morale is low.
- There is a culture of fear and silence within the Queensland Police Service membership which prevents members from speaking out about negative cultural issues within the organisation or other changes needed to improve police responses to domestic and family violence. The leadership is ultimately responsible for this culture of fear and silence. It will have to work hard to combat this culture within the organisation for there to be improvement to the culture generally and to police responses to domestic and family violence more specifically.

## ENDNOTES – PART 1

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193 Confidential, Commission of Inquiry Submission 602, 7 September 2022 [p 5], emphasis added.

194 As outlined in Figure 5, actions may include providing advice to involved parties and referring them on for support, applying for a Protection Order, (including by way of a Police Protection Notice), to ensure protections are put in place, and gathering evidence with a view to pursuing criminal charges.

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223 Domestic and family violence survivors' experiences of the QPS survey, conducted by the Commission of Inquiry via Qualtrics, July 2022, emphasis added.

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226 Exhibit 27.7, Statement of Rosie O'Malley, Tender Bundle Q, tendered 5 August 2022 [p 9].

227 Exhibit 27.7, Statement of Rosie O'Malley, Tender Bundle Q, tendered 5 August 2022 [p 6].

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## **PART 2**

# **THE STRUCTURAL CHANGES NEEDED**

## 4 Strategy

Part 1 of this Report outlined the history of reviews and reports that have considered Queensland Police Service (QPS) responses to domestic and family violence. Recommendations made over time included those intended to strengthen the capability, capacity and structure of the QPS to respond to domestic and family violence. Despite those recommendations, the problem of inconsistent and, at times, inadequate police responses continues.

The previous chapter examined some of the challenges that confront the QPS leadership's efforts to improve the way it responds to domestic and family violence. This includes its membership's sense of abandonment by the leadership in its efforts to translate the leadership's stated commitment to responding to domestic and family violence into practice, because appropriate resources have not been provided to allow that to occur.

This chapter considers the clear evidence that this lack of leadership extends to a failure to have developed a standard, uniform mechanism to measure the organisational impact of responding to domestic and family violence. The implementation of such a mechanism is a critical step towards properly understanding the resources needed to support the frontline response to domestic and family violence. Without it, the QPS will be unable to plan the resources and structures necessary for officers to respond effectively to domestic and family violence.

This chapter also considers the structure and resourcing of the Domestic, Family Violence and Vulnerable Persons Command (Command) which houses the strategic capability of the QPS to respond to domestic and family violence. The Command is presently under-resourced and has been since its establishment in February 2021. If the Command is to provide strategic direction to guide the organisation's response to domestic and family violence, the QPS must commit considerable additional resources to it.

### STRATEGIC PLANNING

#### THE STRUCTURE OF THE QPS

A brief overview of the structure of the QPS provides the context of the importance of organisational planning to ensure the QPS membership is well-equipped to respond appropriately to domestic and family violence.

The QPS is divided into seven regions. Each region is split into districts (15 in total) and each district is further broken down into police stations.<sup>1</sup> There are four Deputy Commissioners, and each is responsible for one of four portfolios: Regional Queensland; Southern Queensland; Crime, Counter-Terrorism and Specialist Operations; and Strategy and Corporate Services.

The Office of State Discipline is a separate unit and reports directly to the Police Commissioner. The following organisational chart provides an overview of this structure:





## Commissioner of Police

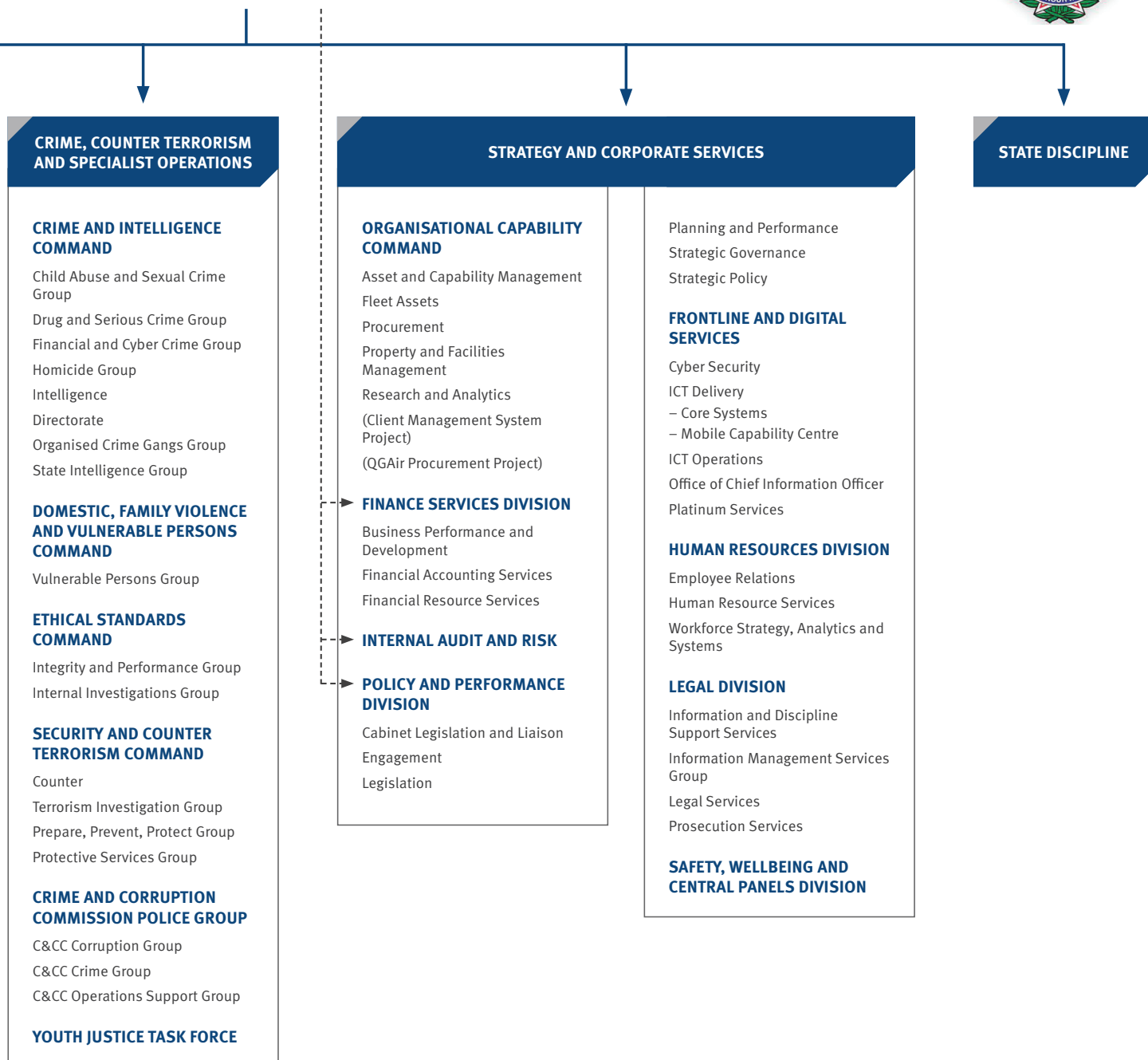


Figure 15: QPS organisational structure as at September 2021 available on the QPS website



The Domestic, Family Violence and Vulnerable Persons Command is located within Crime, Counter-Terrorism and Specialist Operations. It houses the strategic capability of the QPS to respond to domestic and family violence and its purpose is “to develop, enhance and support QPS capability to prevent, disrupt, investigate and respond to domestic and family violence and harm to vulnerable persons.”<sup>2</sup>

Operationally, at the district level, the QPS adopts a decentralised approach to policing domestic and family violence, with regions calling on the expertise of specialised units as necessary, such as when a homicide occurs.<sup>3</sup> A decentralised police response acknowledges, and attempts to account for, the diversity of population, services and geography across the state.

To support its response to domestic and family violence, the QPS has a range of specialist positions and units in each district, including Domestic and Family Violence Coordinators, and Domestic and Family Violence and Vulnerable Persons Units.

These specialist resources are delivered through a partnership model between the strategic capability responsibility of the Command and the operational capability within each of the districts.<sup>4</sup> The specialist resources are considered in further detail in the next chapter.

## CURRENT STRATEGY FOR MEETING INCREASING DEMAND

Following the recommendations made in the report of the Special Taskforce on Domestic and Family Violence in Queensland (2015), the QPS committed to enhancing its responses to domestic and family violence in successive whole of government action plans and organisational strategies under the broader *Queensland Domestic and Family Violence Prevention Strategy 2016-2026*.<sup>5</sup>

Various action plans and organisational strategies have resulted in numerous initiatives designed to meet the demand of responding to domestic and family violence. For example, the most recent *Third Action Plan of the Domestic and Family Violence Prevention Strategy 2019-20 to 2021-22* committed the QPS to embedding a Cultural Change Program to promote best practice policing strategies to respond to domestic and family violence.<sup>6</sup>

The current QPS *Domestic and Family Violence Strategy 2021-2023* includes a commitment to deliver victim-centric, trauma-informed responses to domestic and family violence. This strategy aims to drive continual improvement, best practice and an integrated QPS-wide agenda to reduce domestic and family violence and make Queensland the safest state. It describes the QPS as:

- Maturing in its specialist investigative capabilities, and is focused on building its understanding of, and specialist capability in, identifying perpetrators and ensuring they are held to account.
- Committed to delivering a strong and supportive organisational environment that acknowledges and addresses the seriousness and complexity of domestic and family violence and builds a culture that rejects myths and negative attitudes about domestic and family violence.

- Confronted with the volume and complexity of domestic and family violence related calls for service, and the associated impact on frontline officers exposed to traumatic events and violence as part of their day-to-day work.
- Seeking to strengthen the relationship between police and marginalised groups and acknowledges that the misidentification of the person most in need of protection can lead to adverse criminal justice outcomes, is a form of systems abuse, and disproportionately impacts First Nations women.<sup>7</sup>

## THE GREENFIELD REVIEW

In 2019, the QPS commissioned the *Queensland Police Service Strategic Review*, also known as the Greenfield Review, to examine the challenges associated with its current operating environment, identify avenues to improve service delivery and to build future capacity.<sup>8</sup>

Although the Greenfield Review did not specifically examine the organisation’s responses to domestic and family violence, it identified a range of service delivery challenges relevant to the Commission’s terms of reference, including:<sup>9</sup>

- inadequate monitoring and support of the mental health of police personnel, and deficiencies in fatigue management
- resourcing allocations inconsistent with demand across the state
- policies and practices that negatively impacted the ability of divisions to meet demand
- a disconnect from local priorities, which created a divisive environment, perceptions of discrepancies in budget allocations, and a lack of accountability in the delivery of targets
- perceptions of an inequitable workload for general duties officers, who were often diverted to duties that could be completed by unsworn officers (such as front-counter duties)
- excessive administrative activities undertaken by sworn officers, particularly general duties officers, who also felt undervalued
- a perception that there was a lack of understanding of policing challenges outside of South-East Queensland.

The Greenfield Review made 22 recommendations across a range of priority areas to:

- support a more connected and engaged workforce<sup>10</sup>
- provide responsive local solutions intended to maximise efficiency and effectiveness<sup>11</sup>
- improve the allocation of resources across the service commensurate with demand<sup>12</sup>
- establish a connected, transparent approach to organisational performance management with effective governance arrangements<sup>13</sup>
- focus on implementation.<sup>14</sup>

In 2020, the QPS executive approved the Service Delivery Redesign Project (SDRP)<sup>15</sup> to establish a new model for service delivery, arising from the Greenfield Review. The SDRP’s purpose was to reduce pressure on the frontline, distribute workload more equally and improve job satisfaction. The trial first commenced in the Moreton District in February 2021.

Assistant Commissioner Cameron Harsley APM referred to improvements made to service delivery in the Moreton District as a result of the SDRP trial, as evidenced by the following statistics:<sup>16</sup>

- initial investigations requiring rework decreased from 43% to 10%
- 64% of domestic and family violence investigations were completed within ten days, compared to 43% previously
- the median length of investigations was eight days, whereas previously it was 21 days
- Code 1, 2 and 3 response times improved with 90% of Code 1 and 94% of Code 2 calls being attended to within 12 minutes. Code 3 jobs were attended to in under 20 minutes, where it previously may have taken over an hour.

Despite those statistics, and the work of the QPS in implementing the Greenfield Review recommendations more broadly, many QPS members continue to feel that the resources necessary to respond to domestic and family violence are inadequate, and that the SDRP reforms have not provided adequate assistance.

The Police Commissioner recognised this dissatisfaction, when asked about the SDRP at a public hearing on 18 August 2022, noting there was limited collaboration with the QPS membership about it:

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**...there were many learnings for us. I think as an organisation we went in quite quickly and told the members that this was happening. They felt - although we thought, you know, everyone understood the model and this is what happens, it was difficult because they felt that it was being done to them rather than a partnership model.<sup>17</sup>**

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In its submissions, the QPS noted that transformational business change such as the SDRP cannot be achieved overnight.

The Queensland Police Union of Employees (QPUE) provided information to the Commission that they had *“received a significant number of complaints from members in relation to the SDRP in the Moreton District.”*<sup>18</sup> One of the main concerns the QPUE had been advised of was the *“failure of the implementation team to genuinely engage with the staff.”*<sup>19</sup>

In that regard, the Commission heard from officers who expressed discontent with the trial. In particular they perceived that there was a lack of understanding from the QPS leadership about frontline policing and under-resourcing. One QPS member said:

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**It’s also very clear that the higher ranking executive level have lost touch with real policing, the newly trotted out SDRP is a horrendous model of policing. The QPS does not have the numbers to support such a model, complaints were voiced in Moreton region but ignored by the executive as they pushed the model out. That 8 month pause the commissioner mentioned in her evidence was**

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**because of the many many complaints by officers in Moreton about the ineffectiveness of the model and how it was causing a high amount of mental fatigue amongst officers.<sup>20</sup>**

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Similar sentiments were expressed by QPS members in free text responses to the 2021 Working for Queensland survey:<sup>21</sup>

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**[There] is little communication with the troops on the ground and we are just told to ‘make it work’, regardless of identified issues from the lowest levels.**

**I am very concerned about the direction of the QPS and the information coming directly out of the Moreton District from officers on the ground seems to be being ignored by the ELT (Executive Leadership Team) with respect to the trial of the SDRP.**

**The SDRP within Moreton District does not appear to be working as well as intended. It appears to me that the issue is numbers of officers. Due to the new system, there is a clear lack of proactive Policing on the roads. Policing appears to be reactive based on calls for service instead of proactive. There is a clear lack of crews on the road out looking for and preventing crime.**

**SDRP at Moreton is a great example of what happens regularly where the true feeling at the coal face is not expressed fully and honestly by the respective leaders - then everyone is surprised when morale drops and sick leave rises.**

**The conditions currently in the Moreton District CPIU, as a result of SDRP, are the worst I have experienced. This relates to moral[e], uncertainty in roles (rotation policy), severe under resourcing of staff, lack of development opportunity, lack of supervision for junior PC’s, creation of a silo effect with other units resulting in decrease[d] inter-unit cohesion.**

**The SDRP has ruined Moreton District. The QPS has created a new section (Volume Crime) and picked officers/ forced officers to work in these positions from their respected substantive positions. This leaving the other sections understaffed and unable to effectively, professionally and timely complete their core business. There is a massive culture problem within Moreton District.**

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Having considered the issues with the Moreton District trial, the QPS recently launched a new service delivery model in Logan in mid-August 2022 following significant engagement with that district.

On 18 August 2022, the Police Commissioner gave evidence to the Commission that, although the model had only been in operation for a short time, she had been told by a Deputy Commissioner who had visited Logan that he was “ecstatic” with the feedback from officers.<sup>22</sup>

However, the Commission has heard the new model has received a mixed response in Logan. QPS members who participated in the Working for Queensland Survey stated:

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**I have no faith in the SDRP changes, but I believe it is another unfit system they will force upon the organisation.**

**SDRP will fail here simply we do not have the numbers to make it work, this area has never been supported with decent equipment and resources.<sup>23</sup>**

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Overall, and more broadly across the organisation, the frustration of the membership with the inability of the QPS to respond to current demand pressures was also relayed to the Commission by Mr Mark Ainsworth. Mr Ainsworth, a retired Detective Superintendent engaged to conduct interviews to gauge QPS members’ views of various matters including resourcing for domestic and family violence, told the Commission that QPS members told him about a worsening culture towards domestic and family violence:

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**...it also involved a level of frustration in that the apparent lack of resources to properly deal with DV, to undertake a proper investigation, because the numbers of DVs backing up going from DV to DV it led to quite an extreme level of frustration which they believe that until some of those issues were addressed, you know, streamlining processes, looking at appropriate resourcing, that the culture may struggle to improve.<sup>24</sup>**

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As observed in the previous chapter, the QPS membership is concerned about inadequate resources for responding to domestic and family violence across the state rather than only in the Moreton and Logan districts.

The QPUE shares these concerns. Mr Ian Leavers, President of the QPUE, submitted to the Commission that officers are inadequately trained, insufficiently resourced and face competing time pressures and responsibilities which collectively impede their capacity to effectively respond to domestic and family violence.<sup>25</sup>

The QPUE submission further stated that:

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**...there are vastly insufficient resources available to ensure the proper policing of domestic and family violence matters. This has been an issue for many years and largely ignored by those responsible for seeking and granting funding.<sup>26</sup>**

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## MEASURING DOMESTIC AND FAMILY VIOLENCE DEMAND

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Previous reviews and findings have recommended that the QPS implement measures to respond more effectively to existing and future demands for domestic and family violence. For example, both the Special Taskforce on Domestic and Family Violence in Queensland<sup>27</sup> and the QPS *Domestic and Family Violence Culture Review* (2019)<sup>28</sup> identified the need for the QPS to ensure that staffing and resourcing allocations were commensurate with demand across the state.

Despite these previous recommendations, there is still no standard, uniform measure in place to assess the impact of domestic and family violence work on police time and resources. Without accurate and comprehensive data, the QPS is unable to identify and allocate appropriate resources to deliver its services.

While the Commission accepts that the QPS is facing significant demand pressures in responding to domestic and family violence, and that it is very likely that current resourcing allocations are inadequate to properly meet the demand for services, there is no single source of data that provides an accurate or consistent measure of the time spent by officers in responding to domestic and family violence.

If the QPS is unable to measure the demand created by domestic and family violence, it will continue to be ill equipped to accurately make a case for increased resources or plan for future needs.

### ESTIMATES OF POLICE TIME SPENT ON DOMESTIC AND FAMILY VIOLENCE

The Commission’s investigation of the capacity of the QPS to respond to domestic and family violence related demand pressures was impeded by poor quality data and reporting.

For example, in 2021, the QPS told the Women’s Safety and Justice Taskforce that “approximately 40% of all police time is expended responding to and investigating domestic and family violence.”<sup>29</sup>

An illustration of the lack of certainty surrounding QPS measurements of the demand of domestic and family violence can be seen in the QPS response to the Commission for clarification with respect to the figure of 40%. In response to a request for clarification, the QPS provided the Commission with additional data about the total average time spent by officers on domestic and family violence matters.<sup>30</sup> The QPS reported that in 2021-2022, 56% of general duties officers’ time was spent responding to calls for service, with the remainder of their rostered time spent performing other police functions and duties. Twenty-seven percent of the time responding to calls for service was spent on domestic and family violence calls for service, accounting for approximately 15% of general duties officers’ total time.

In terms of volume, domestic and family violence related matters made up 14% of all calls for service.<sup>31</sup> However, this data only related to time spent responding to calls for service and does not give an accurate estimate of the overall time officers spend on domestic and family violence. In this respect, it does not provide a useful measurement of the actual demand on the QPS.

Moreover, while the QPS has previously publicly reported that approximately 40% of all police time is spent responding to domestic and family violence,<sup>32</sup> it now appears the QPS no longer considers this estimate is accurate. In early August 2022, a briefing note provided to the Police Commissioner informed her that the organisation was, by then, “unclear as to the source of the 40% figure.”<sup>33</sup>

Later in August 2022, the Commission received further data from the QPS which included a measure of hours police spend attending to domestic and family violence calls for service.<sup>34</sup> It estimated that the QPS spends approximately 15.5% of total police officer strength, equivalent to 1,978 full time members, responding to “domestic and family violence victims and system.”<sup>35</sup>

This may be a better measurement of demand as it reflects the investment of time and resourcing by police for additional tasks outside of the initial call for service such as data entry, investigations, watchhouse management, police referrals, prosecutions and by specialist officers. However, the organisation needs to decide how to measure its response to domestic and family violence and what these measurements mean for improving practice and informing decision-making, as well as how to communicate them to the public.

## DOMESTIC AND FAMILY VIOLENCE RELATED CALLS FOR SERVICE

To better understand demand on the QPS, the Commission requested the assistance of the Queensland Government Statistician’s Office to analyse data provided by the QPS in relation to domestic and family violence related calls for service.

This data shows that domestic and family violence related occurrences have more than doubled from 60,426 in 2012 to 137,936 in 2021. Over the same period, the rate of domestic and family violence related occurrences grew from 1,323 to 2,623 per 100,000 persons (see Figure 16 below).

This suggests that increases in the number of domestic and family violence related occurrences recorded by police cannot be explained by population growth alone. In addition, the data also showed that in 2012-2013 there were 290 operational staff per 100,000 people and in 2020-2021, 285 operational staff per 100,000 people.<sup>36</sup> Acknowledging that police work is so much more than responding solely to domestic and family violence, these figures suggest that growth in police numbers has not kept pace with the increasing demand for domestic and family violence within the QPS.

Increased calls for service do not necessarily reflect an increase in domestic and family violence within the Queensland community, but instead may be driven by a variety of factors including:

- improved reporting, community awareness and information sharing
- a broader definition of domestic and family violence within the *Domestic and Family Violence Protection Act 2012* (DFVPA)
- a shift to a more proactive, policing response to domestic and family violence as recommended by the Special Taskforce on Domestic and Family Violence (2015)
- the introduction of a default term of five years for Protection Orders.

Also, while this data reflects actions taken by police in responding to domestic and family violence related calls for service, it does not account for the complexities and individual requirements of each job. Some calls for service can be resolved relatively quickly, and others take far longer.

The Commission repeatedly heard that domestic and family violence calls for service can take significant time, particularly where a Police Protection Notice is issued or an application for a Protection Order is required.<sup>37</sup> The Commission heard that while occurrences may take approximately two hours to complete on average, they can take longer depending on the situation, from four hours up to an entire shift.<sup>38</sup>

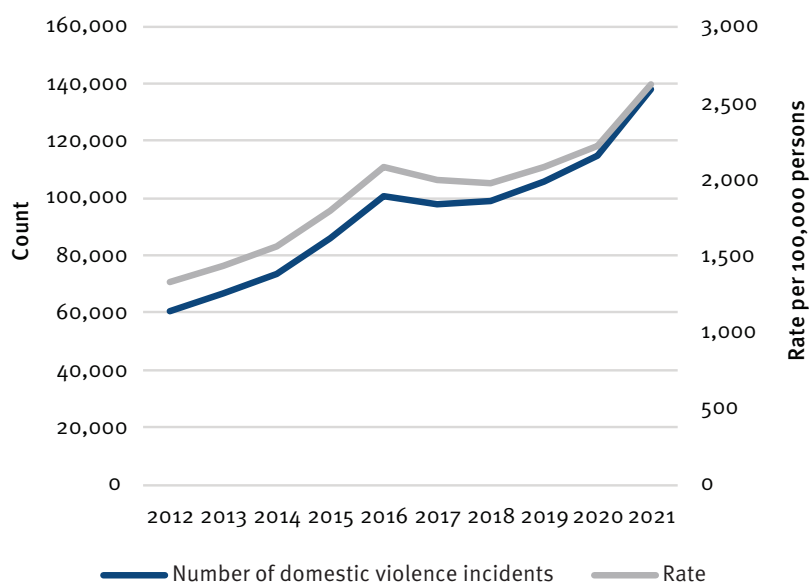


Figure 16: Number and rate of Domestic and Family Violence Occurrences<sup>39</sup>



For these reasons, this data does not provide a definitive measurement of the demand of domestic and family violence on the QPS.

### SERVICE DELIVERY STATEMENT MEASURES

All Queensland Government agencies, including the QPS, are required to provide a Service Delivery Statement (SDS) to the Queensland Treasurer for consideration in the annual state budget allocation.

The SDS includes service standards for the QPS, including targets for property security, personal safety and good order offences. These targets measure the percentage of offences cleared within 30 days. The SDS also sets targets for crime victimisation, youth crime reoffending, response times to Code 1 and Code 2 callouts and reduction in road fatalities and hospitalisations.<sup>40</sup>

While they are reported annually to government, SDS measures and service standards are also meant to be incorporated into operational planning, and other internal organisational planning and reporting. They define an appropriate and expected level of performance for agencies and provide a framework to assess the effective and efficient delivery of services by that agency.<sup>41</sup>

Despite the Police Commissioner stating publicly on 29 June 2022 that domestic and family violence is “*by far the most complex issue that we deal with on a daily basis*,”<sup>42</sup> there is no reference to a service standard target for domestic and family violence in the SDS. When asked, at a public hearing, why that is so, the Police Commissioner gave evidence that there were “*no formal mechanisms*” for measuring success in this area.<sup>43</sup>

The Police Commissioner gave evidence that some QPS districts use certain data to measure success in policing domestic and family violence, however the approach varied across Queensland with no single state-wide standard or target.<sup>44</sup>

In an environment of insufficient resourcing, multiple competing demands, and an absence of clear performance measures for domestic and family violence, there is a real risk that police will prioritise meeting established SDS targets for other offences over and above responding to domestic and family violence calls for service.

Moreover, the omission of a service standard for domestic and family violence means that the QPS is not accountable to the Queensland Government in relation to its responses to domestic and family violence in the same way that it is for other offences. The Queensland Government’s guide to the development of service delivery statements reinforces the importance of being able to measure organisational performance:

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**Knowing how well an agency is currently performing against its objectives is essential to allow it to determine if it needs to alter its strategies or policies or re-evaluate its objectives to ensure value is delivered to its customers, stakeholders and the community.<sup>45</sup>**

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The absence of a domestic and family violence service standard also sends a message within the organisation that domestic and family violence policing is not valued in the same way as other policing activities. In turn, this impacts resourcing allocation and promotional opportunities for staff who routinely respond to domestic and family violence or work in specialist domestic and family violence roles.

### APPROACHES TO MEASURING DOMESTIC AND FAMILY VIOLENCE DEMAND IN OTHER JURISDICTIONS

The Commission has considered the approach taken by other jurisdictions in assessing domestic and family violence related demand.

In New South Wales, police responses to domestic and family violence were recently audited by the State’s Auditor General. The audit identified that the NSW Police Force’s central domestic and family violence policy team is not resourced to monitor domestic and family violence practices or ensure the Force’s initiatives are consistently implemented across the state.<sup>46</sup> It also identified that there is scope for the NSW Police Force to enhance its monitoring, reporting and analysis of a broader range of domestic and family violence performance activities.<sup>47</sup>

Part of that audit focused on domestic violence performance reporting.<sup>48</sup> The NSW Police Force uses the Command Performance Assessment System (COMPASS) to monitor its performance against its wider business plan and performance targets. There are seven indicators within COMPASS that relate to domestic and family violence, though they relate to event types rather than police performance. The report noted:

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**The target used by the NSW Police Force to measure its performance is focused on legal action rates for apprehended domestic violence order breaches. That is, charges resulting from reported breaches of these orders. In 2020–21, the NSW Police Force achieved a legal action rate of apprehended domestic violence orders of 84 per cent against a target of 82 per cent.<sup>49</sup>**

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Victoria has developed performance measures in its five year police strategy *Policing Harm, Upholding the Right: Victoria Police Strategy for Family Violence, Sexual Offences and Child Abuse 2018-2023*. It established performance measures under four strategic priorities: Victim safety; Offence and offender management; Child safety; and Our people. This includes measures that assess victim experiences, police activity, population rates and hours of family violence education delivered to police.

In Victoria Police annual reports, crimes against property and crimes against the person are split between family violence related crimes and all other crimes to provide greater transparency in reporting.<sup>50</sup>

A review of the New South Wales and Victorian approaches demonstrate that measuring domestic and family violence can be achieved. It is unsatisfactory that the QPS is unable to accurately measure the demand on its resources, or the effectiveness of its responses, because it will continue to be unable to strategically plan for the resources necessary to respond until it does. A recommendation that the QPS devise a mechanism for doing so is made at the end of this chapter.

## THE DOMESTIC, FAMILY VIOLENCE AND VULNERABLE PERSONS COMMAND

In February 2021, Ms Doreen Langham was killed by her former male intimate partner during a prolonged episode of domestic and family violence. It quickly became apparent that the QPS had made several fundamental errors in its responses to Ms Langham's requests for police assistance prior to her death.<sup>51</sup>

On 26 February 2021, within days of Ms Langham's death, the Police Commissioner announced the establishment of a new Domestic, Family Violence and Vulnerable Persons Command to meet the ongoing demands of responding to domestic and family violence.<sup>52</sup>

Following an extraordinary meeting of the QPS Executive Leadership Team that day, the previous Domestic and Family Violence, Vulnerable Persons Unit transitioned into a stand-alone command under the Crime, Counter-Terrorism and Specialist Operations portfolio, and was renamed the Domestic, Family Violence and Vulnerable Persons Command.<sup>53</sup>

The Command initially operated from substantially the same resourcing allocation as the previous Domestic and Family Violence, Vulnerable Persons Unit, which had been established in 2015 as part of the implementation of recommendations in the report of the Special Taskforce on Domestic and Family Violence (2015).<sup>54</sup>

On 18 August 2022, the Police Commissioner gave evidence to the Commission that the initial mandate of the new Command was:

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**[t]o lead at a strategic level the implementation of reviews and changes to our systems, training and processes, and to ensure previous recommendations in relation to the way we deal with domestic and family violence are correctly implemented.<sup>55</sup>**

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The current QPS *Domestic and Family Violence Strategy 2021-23* states that the Command is responsible for setting the overarching strategic direction for the police response to domestic and family violence as well as driving implementation of policing strategies and capability enhancements for the prevention, disruption, response to, and investigation of domestic and family violence incidents.<sup>56</sup>

### INADEQUACY OF THE COMMAND'S RESOURCES

While the establishment of the Command may have created the impression of a significant additional investment of new resources by the QPS, only three temporary positions, the roles of an Assistant Commissioner, Strategy and Performance Inspector and an Executive Assistant, were approved for the creation of a Command office.<sup>57</sup> All other positions were pre-existing roles from the previous Domestic and Family Violence and Vulnerable Persons Unit.

The Command is responsible for domestic and family violence, mental health, referrals, White Ribbon accreditation, Victims Assist Queensland and elder abuse and disabilities.<sup>58</sup> It has a research arm, although this is currently staffed by only one research officer, with another to be appointed soon. The Command has a full cohort of 27 positions, although many of those are not filled or are temporarily filled.<sup>59</sup> Currently there are nine staff attached to the Command with responsibility for domestic and family violence projects and initiatives.<sup>60</sup> The Command also has line control of six Domestic and Family Violence Coordinators who are situated in the Brisbane Police Communications Centre and are responsible for providing operational advice and assistance in real time.

Members of the Command have encountered difficulties created by temporary appointments,<sup>61</sup> as constant staff changes disrupt continuity in projects and initiatives and impacts workforce stability.

There are two positions dedicated to the role of 'Principal Program Coordinator'. One coordinator commenced in the position when the role was not completely developed and she was unsure what the job would entail. She has since spent significant time reporting on the developments following the recommendations in the report of the Special Taskforce on Domestic and Family Violence in Queensland (2015).<sup>62</sup> She noted that since May 2022, she has worked under three different Inspectors as that role was temporary. This has meant that ideas have changed regularly and there are limited resources to undertake new projects.<sup>63</sup>

The second coordinator is the only staff member dedicated to strategic initiatives within the Command. Currently, there are six major strategic initiatives which she oversees including the Video Recorded Evidence Pilot, and the Embedded Officer Pilot. She has no support staff and delegating tasks is difficult, as others in the Command have their own responsibilities. By contrast, she understands that, at the Department of Justice and Attorney-General, her counterpart on the Video Recorded Evidence Pilot has at least five support staff assigned.<sup>64</sup>

Other positions in the Command include a Superintendent, two Inspectors, and a research officer. Though the staff at the Command are hardworking and passionate, their roles do not allow them to focus solely on, or prioritise, domestic and family violence initiatives and strategy. For example, a portion of the role of the Superintendent is dedicated to supporting the Assistant Commissioner's tasks, supporting staff, reviewing significant events and undertaking reactionary responses to those events. One of the Inspectors oversees human resource management.



A common sentiment expressed by the staff in the Command is that they are unable to be forward facing or focus on strategic responses to domestic and family violence as they do not have the resources to do so. Members of the Command noted the following:<sup>65</sup>

- their work is mostly reactive, rather than proactive
- a lot of ad-hoc work is done by the Command, which gives little time to do strategic work. There is no time for forward-focused, strategic thinking or planning
- the role of the Command is to provide high level strategic direction, but with the current resources and staffing, they cannot do this
- the strategic capability of the Command needs to be appropriately resourced. At least four extra members are required in the domestic and family violence area of the Command alone, as well as extra research officers
- an additional 11 to 12 positions to undertake project work would assist
- there should be more resources at the Command to do the necessary preparatory work, as presently there are ideas for projects which are unable to be done.

The QPS Executive Leadership Team (ELT) is aware of these problems but was slow to meaningfully address the situation.<sup>66</sup> Records indicate that Assistant Commissioner Brian Codd, who is in charge of the Domestic, Family Violence and Vulnerable Persons Command, advised the ELT of resourcing problems on numerous occasions since the Command's establishment.

In March 2021, Assistant Commissioner Codd provided an overview of the Command to the ELT, noting it was established through existing resources and zero growth.<sup>67</sup> In May 2021, Assistant Commissioner Codd raised the under-resourcing of the Command as an issue to the ELT, including the temporary nature of the positions in the Command.<sup>68</sup>

The Police Commissioner was present for both these presentations, though she gave evidence to the Commission at a public hearing that she did not specifically recall the Command's under-resourcing being raised.<sup>69</sup> Permanent staffing of the Command was requested and approved in June 2021,<sup>70</sup> but the allocation of those positions did not commence until January 2022 and was still occurring in October 2022.

Assistant Commissioner Codd raised the under-resourcing of the Command on several occasions with the relevant Deputy Commissioner, Tracy Linford APM, between at least July and October 2021.<sup>71</sup> He repeatedly raised concerns that the Command was struggling under the enormous and unsustainable pressure placed on it.

Despite these multiple representations, additional resources were not allocated to the Command.<sup>72</sup> As a consequence, there has been a need to continually balance competing priorities within the Command.

A Workforce Allocation Subcommittee request for a further position in the Command was made in August 2022 and approved in September 2022. QPS submissions advised the Commission that a recent external review of the resourcing of the Command had resulted in some further positions being recommended for the Command.

The Command is limited in its scope in other ways. It is not responsible for all specialist domestic and family

violence officers within the organisation. While it guides and supports the delivery of operational policing responses, frontline activities are the responsibility of each police district.

Apart from High Risk Teams (which are hosted at district level but managed centrally by the Command) and Domestic and Family Violence Coordinators within the Brisbane Communications Centre, domestic and family violence specialist officers and units are district resources.<sup>73</sup> A QPS member identified that resources across the districts vary. They said:

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**... the Assistant Commissioner Brian Codd, who was appointed to lead and stand up the DFV Command within the QPS, went around the state to understand how each region is working on DFV. The Command does not have a unified or centralised corporate approach, the district and regions devise their own format for responding to DFV, and each varies, and this was widely apparent during the QPS DFV Conference undertaken in 2021.<sup>74</sup>**

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The QPS Board of Management was made aware of the challenges created for the Command by this dual reporting structure as early as June 2021 (within six months of its establishment).<sup>75</sup> This included that the *"strategic responsibility for DFV and VP policing is spread across various domains, with policy discussions and implementation embedded in multiple Commands and Divisions"*. It was also noted that:

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**The temporary QPS staffing model for DFV & VP policing (current temporary staff cohort of 61%), owing to frequent staff turnover and loss of vital corporate knowledge resulting from short-term secondment periods, has made it extraordinarily difficult to embed positive, long term cultural change and build lasting internal and external relationships.<sup>76</sup>**

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Assistant Commissioner Codd gave evidence at a public hearing of the need to balance the delivery of enhancements to the frontline with investment in strategy, processes and procedural changes which will deliver benefits in the longer term.<sup>77</sup> The Assistant Commissioner subsequently agreed that the sheer number of issues that the QPS, and now the Command, has carriage of makes it difficult for the Command to focus on future initiatives when there are so many other urgent priorities and emerging crises.<sup>78</sup>

Women's Legal Service Queensland submitted that the Command was *"grossly under resourced, and under filled."*<sup>79</sup> Despite the evidence of Assistant Commissioner Codd, in its submission the QPS did not initially accept that the Command lacked capacity to meet its strategic objectives. Rather, it sought to minimise the under-resourcing by highlighting the Command's reliance on other commands with subject matter expertise, in order to achieve its strategic priorities.<sup>80</sup>

Reliance on other commands means the Command must compete for priority and resources against other portfolios, which in itself can be time-consuming. The limited size and capability of the Command also reinforces its lack of prioritisation within the broader organisational structure.

Subsequent to the QPS submission being received by the Commission, the Police Commissioner was recalled to give evidence on 5 and 6 October 2022. Ultimately, she accepted that the Command is significantly under-resourced and has been since its establishment.<sup>81</sup>

After the Police Commissioner's first appearance at a Commission hearing on 18 August 2022, the Commission received advice that a commitment had been made within the QPS to undertake an external review of the Command.<sup>82</sup>

Following the Police Commissioner's second appearance before the Commission on 5 and 6 October 2022, she met with Assistant Commissioner Codd on 10 October 2022 and advised the external review of the Command's resourcing would be expedited.

The external review's findings and recommendations were provided to the Police Commissioner on 13 October 2022. The reviewer sought to make the Police Commissioner *"aware of some areas under stress that would greatly benefit with some immediate injection of resources."*<sup>83</sup> One of the findings was that instability and *"churn"* created confusion and a lack of shared purpose in the Command, which could be rectified by permanent appointments. Another finding was that the position descriptions of some staff within the Command are not consistent with the functions relating to their roles.

The Commission was advised that by 13 October 2022, *"22 additional permanent resources"* within the Command had been approved.<sup>84</sup> However, of those 22 positions, only four are allocated to the domestic and family violence business unit responsible for strategic development.<sup>85</sup> Six positions relate to temporary training positions already in existence (but being converted to permanent roles) and five positions are dedicated to High Risk Teams.<sup>86</sup>

## INADEQUACY OF THE CURRENT STRUCTURE

Importantly, the Command does not have an internal intelligence capacity and there appears to be no established mechanism in place for relevant intelligence reports completed by other sections of the QPS to be provided to the Command to inform its decision making.<sup>87</sup>

During Assistant Commissioner Codd's evidence on 11 July 2022, the Commission identified that the Command's intelligence capability was minimal due to the limited resources available. Assistant Commissioner Codd gave evidence that the Command reverted to the Crime and Intelligence Command for assistance with research and analytics, but this led to competition with other, non-domestic and family violence related, priorities. He was unsure how many times the Command had made requests for help.

By the time the Assistant Commissioner was recalled on 4 August 2022 he was able to provide the Commission with a copy of a research document entitled '1374 Domestic Violence – Other Action' obtained *"in recent weeks"*, dated July 2022, as an example of the type of document the Command could obtain. He was otherwise unable to advise with any certainty how often the Command had asked for or obtained intelligence or research assistance from the Crime and Intelligence Command.

Given the strategic focus of the Command, the ability to generate intelligence assessments and to establish connections with other intelligence units within the QPS would enable a more proactive prevention and disruption focus for the QPS consistent with its approach to other crime types.

Assistant Commissioner Codd agreed the Command's capabilities could be enhanced through direct access to intelligence and research resources specifically focused on domestic and family violence.<sup>88</sup> It is not satisfactory that they currently do not have this capacity.

## CASE STUDY

On 30 June 2021, an intelligence assessment was undertaken in respect of domestic and family violence in the Torres Strait and the Northern Peninsula Area.<sup>89</sup> A key finding of the assessment was that it was likely a domestic and family violence related death would occur within the area, given the frequency and severity of domestic violence towards aggrieved partners. The findings also raised concerns about a systemic problem with the inadequacy of policing responses to domestic and family violence in the Torres Strait area.

The assessment was disseminated at a local level, but not to the Command, despite the Command being on the dissemination list compiled by the intelligence officer. Someone other than him determined that it was not to be sent to the Command. In July 2021, the intelligence officer sent the assessment to two members of the Command. Though it was received by those two officers, the lack of a formal channel meant the assessment was not brought to the attention of the Command generally.<sup>90</sup> This is wholly unsatisfactory, especially given the key finding that a domestic and family violence death was likely.

The assessment was only brought to the attention of Assistant Commissioner Codd in August 2022 as a result of this Commission.<sup>91</sup> It was not known who decided on the revised dissemination list and it was accepted by Assistant Commissioner Codd that it was “*terribly concerning*” the assessment had not been provided to the Command.<sup>92</sup> He also accepted it would be beneficial if the Command had the capability to undertake and follow up on intelligence assessments of this nature.<sup>93</sup>

At a public hearing on 4 August 2022, Assistant Commissioner Codd told the Commission he had been advised, by the Assistant Commissioner from Far Northern District (who had been told by a Superintendent), the following about the intelligence assessment:<sup>94</sup>

- it was a training tool only
- the assessment was based on assumptions by the intelligence officer
- the author had little operational experience in attending and responding to domestic and family violence incidents
- the Officer in Charge of Thursday Island held a different view about several key findings.

The information provided to Assistant Commissioner Codd, and this Commission, was untrue.

In contrast to the advice provided to the Assistant Commissioner, the Commission later confirmed that the assessment was undertaken by a qualified intelligence analyst with 21 years of operational experience and had been peer reviewed by other QPS intelligence officers.<sup>95</sup> In addition, the intelligence officer had many years of experience policing domestic and family violence, including as recently as in 2022. His assessment was not based on any assumptions and on 6 October 2022, the Police Commissioner accepted that his assessment was “*well thought out and well documented.*”<sup>96</sup>

## EVALUATION OF RECENT INITIATIVES

As outlined above, the Command was responsible for the development of the QPS *Domestic and Family Violence Strategy 2021-2023*.<sup>97</sup> It then established a Domestic and Family Violence Action Plan, which was intended to provide a focused direction for the QPS and its domestic and family violence work, in line with its strategic priorities.<sup>98</sup> The Action Plan outlines 39 initiatives and, as at June 2022, 21 of those initiatives have been completed, with the other 18 in progress.<sup>99</sup>

These initiatives have been nominated by senior members of the QPS as an important step in their response to domestic and family violence.<sup>100</sup> However, the deficiency in resources for the Command, as well as for the districts in their capability for responding to domestic and family violence, is apparent when considering the evaluations of recent initiatives, including the 2021 evaluation of Operation Tango Alessa which was designed to increase perpetrator accountability.

Operation Tango Alessa involved the development and pilot of a tool, adapted from the existing QPS Total Harm Ranking

& Evaluation Tool (THReT), to identify and rank offenders based on their known potential for committing significant harmful offences. The QPS THReT collates large volumes of known data across internal databases and presents the data for individual offenders into a usable intelligence and tactical risk mitigating ranking which can guide resourcing allocation.

Using that tool, high risk domestic and family violence offenders were identified, following which police within the trial districts were to employ deterrent strategies such as visiting the homes of the perpetrators to discuss referrals or contacting a person experiencing violence to check on their welfare and offer support.<sup>101</sup>

An evaluation of the Operation’s effectiveness in reducing domestic and family violence offending was released in December 2021.<sup>102</sup> The reduction in charges against high risk offenders observed after the focused deterrence intervention in the Logan District provided some evidence that focused deterrence was effective in reducing domestic and family violence offending.<sup>103</sup> However, it was also noted

that there were several limitations to the Operation namely:

- its brevity
- the implementation and execution of the operation in each district heavily relied on the level of availability of staffing and resources
- there were competing operational requirements
- in some cases, the lack of resources limited the execution and operational engagement.

For example, in South Brisbane District, 20 high risk offenders were identified, but police were only able to visit the home of seven of those offenders. In all but one visit, the offender was either not home or not living at the address. Ultimately, only one of the high risk offenders identified was the subject of the operation.<sup>104</sup>

While Operation Tango Alessa had the potential to contribute to the disruption of domestic and family violence, resourcing deficiencies and inconsistencies across the districts meant its true operational effect could not be accurately determined.

A further limitation identified was the use of the adapted THReT tool, which was not made specifically for identifying domestic and family violence offenders.<sup>105</sup> This tool had the unintended consequence of identifying people who did not have a current Protection Order in place as ‘high risk’.<sup>106</sup> While a Protection Order in and of itself is not a predictor of significant risk within a relationship characterised by domestic and family violence, this made engagement by the police with these offenders difficult. If the Command had sufficient resources, a domestic violence specific tool could be developed in order to target those most appropriately defined as high risk offenders.

Additionally, the evaluation of the Operation was completed by the Command in December 2021, though the Operation ended in May 2021. Further resources would allow for timely evaluation of such critical initiatives.

The Command is a positive initiative but must be properly resourced in order to assist in enhancing the QPS response to domestic and family violence. A recommendation to this effect is made at the end of this chapter.

## DOMESTIC AND FAMILY VIOLENCE ADVISORY GROUP

The Domestic and Family Violence Advisory Group (the Advisory Group) was established in July 2021 as an advisory body for issues relating to the prevention, disruption, response to and investigation of domestic and family violence.<sup>107</sup> The Advisory Group is comprised of advocates and experts from organisations in the domestic and family violence field.<sup>108</sup> Assistant Commissioner Codd explained that the purpose of the Advisory Group is to:

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**[a]ssist the Commissioner, the Domestic, Family Violence and Vulnerable Persons Command and the Service as a whole in making decisions in the domestic and family violence space that are effective and victim-centric.<sup>109</sup>**

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The Advisory Group currently meets on a quarterly basis and while they are not a decision making body, the meetings provide a formal avenue for open collaboration between important domestic and family violence stakeholders and support services.<sup>110</sup>

Examples of some of the matters discussed at previous Advisory Group meetings include feedback given to the QPS on its *Domestic and Family Violence Strategy 2021-2023*<sup>111</sup> and insight by members into trauma-informed practice.<sup>112</sup>

The Commission heard from several domestic and family violence organisations who advocated for a more collaborative approach between the QPS and their organisations.<sup>113</sup> Such submissions recognise the technical expertise that these organisations have and can share with the QPS on various topics, including trauma-informed and victim-centric practices and referral options.

An open dialogue with the QPS was also seen to benefit organisations who have ongoing contact with victim-survivors, as it allows for advocacy at both an individual and systemic level,<sup>114</sup> and for information about police systems and practices to be more readily available to victim-survivors through the organisations.<sup>115</sup>

Within other jurisdictions, both Victoria and the Australian Capital Territory have an advisory group model in place to enhance their policing response to domestic and family violence. In Victoria, the Family Violence Reform Advisory Group is co-chaired by the Chief Executive Officer of Family Safety Victoria and Domestic Violence Victoria.<sup>116</sup>

The Advisory Group is a positive initiative, and its growth should be encouraged and supported. Accordingly, the Commission makes a recommendation to this effect at the end of this chapter.

## CONCLUSION

In order to meet the challenge of a frontline which feels they have not been provided with adequate resources to respond effectively to the demand for domestic and family violence, the QPS must have a mechanism by which it can measure that demand so that it can meet it with appropriate resources.

This is an important strategic consideration that will be foundational to both improving the experience of the police who respond to domestic and family violence, and, in turn, improving the ability of the QPS to respond to domestic and family violence in a way that consistently meets community expectations.

More broadly, strategic direction and guidance in relation to the QPS response to domestic and family violence relies on the Domestic, Family Violence and Vulnerable Persons Command. The Command is currently hampered in its ability to be strategic and provide much needed guidance. It is important that Command resourcing be increased so that it can be forward-focused and provide the strategic direction necessary to meaningfully and continually improve QPS responses to domestic and family violence.

## FINDINGS

- The Queensland Police Service does not have the ability to measure domestic and family violence demand and the effectiveness of its responses. Without the ability to measure this, the Queensland Police Service will be unable to accurately determine what further resources are necessary in order to consistently meet community expectations when it responds to domestic and family violence.
- The Queensland Police Service is not adequately resourced to meet the growing demand of responding to domestic and family violence, particularly in relation to numbers of frontline officers and specialist staff and units.
- The Domestic, Family Violence and Vulnerable Persons Command has been under-resourced since its creation in February 2021. It continues to lack resources and, as a result, it is unable to provide the strategic direction necessary to improve Queensland Police Service responses to domestic and family violence.
- The Domestic and Family Violence Advisory Group performs an important function in providing community and expert advice to the Domestic, Family Violence and Vulnerable Persons Command about matters related to the prevention, disruption, response to and investigation of domestic and family violence. Its role should be strengthened and there should be a mechanism by which the Executive Leadership Team is provided with timely information about the advice it provides to the Domestic, Family Violence and Vulnerable Persons Command.

## RECOMMENDATIONS

### Recommendation 1

Within six months, the Queensland Police Service develop and implement a mechanism for measuring domestic and family violence demand and the effectiveness of police responses to domestic and family violence.

### Recommendation 2

Within 12 months, the Queensland Police Service identify, using the mechanism for measuring domestic and family violence demand, the further additional funding and Full Time Equivalent positions needed to meet that demand.

### Recommendation 3

Within 18 months, the Queensland Government allocate the funding and Full Time Equivalent positions identified by the Queensland Police Service as being required to meet the demand of responding to domestic and family violence.

### Recommendation 4

Within six months, the Queensland Police Service strengthen the resource model of the Domestic, Family Violence and Vulnerable Persons Command to enhance its strategic capacity by:

- determining and allocating adequate funding to the Command
- transitioning all allocated positions to permanent positions
- building the Command's capacity and capability for undertaking research and intelligence activities
- building the Command's capacity and capability for undertaking advocacy and cultivating partnerships.

### Recommendation 5

Within three months, the Queensland Police Service elevate the role of the Domestic and Family Violence Advisory Group by ensuring that:

- the Advisory Group is co-chaired by the Assistant Commissioner, Domestic, Family Violence and Vulnerable Persons Command and one community organisation member
- the meeting agenda contains a standing agenda item for members to report any issues about police responses to domestic and family violence to the Command
- the Advisory Group makes recommendations about those issues for the Command to consider to enhance police responses to domestic and family violence
- the Command report on those issues and recommendations, and any actions taken by the Command, to the Executive Leadership Team after every meeting.

## HUMAN RIGHTS CONSIDERATIONS

Domestic and family violence is a serious violation of human rights and police have an important role in responding to it. Measuring domestic and family violence demand, strengthening the capacity of the Command and elevating the role of the Advisory Group will lead to a greater capability by the QPS to prevent, disrupt and respond to domestic and family violence.

These measures will promote the personal rights of victim-survivors who are engaged when domestic and family violence is prevented and adequately responded to, including recognition and equality before the law as a result of better investigation (s 15 HRA), right to life (s 16 HRA), liberty and security (s 29 HRA), and protection for victim-survivors and their families (ss 17 and 26 HRA).



## 5 Specialist responses

While the Domestic, Family Violence and Vulnerable Persons Command (Command) was established in 2021 to strengthen the QPS strategic response to domestic and family violence, specialist responses to domestic and family violence have existed for some time.

This chapter considers the benefits and challenges of these roles in supporting officers to effectively respond to domestic and family violence.

### SPECIALIST RESOURCES

Figure 17 identifies the various specialist resources which assist in the QPS response to domestic and family violence. These officers and teams exist at the district or regional level, with decisions about their resourcing and structure made at this level. The roles are intended to:

- coordinate the QPS response to domestic and family violence at a station, district and/or regional level
- improve the operational support provided to general duties officers
- provide quality assurance and oversight
- act as a point of liaison for external agencies and to help support local level initiatives.

While the Commission heard from multiple stakeholders that specialist officers within the QPS tended to have a better understanding of domestic and family violence, which resulted in improved responses overall,<sup>117</sup> several issues were identified with these positions. They include that:

- there are significant differences in their scope and focus across the districts
- they are not consistently provided with training to fulfil their role
- their focus can default to quality assurance and compliance tasks
- they are often under-resourced and lack the capacity to provide operational specialist support to general duties officers.

Reports from QPS member submissions and surveys suggest that the roles are inadequately resourced, poorly promoted and do not have the capacity to effectively support general duties officers. Problems arise when the roles are filled by officers with no specialist training, no capacity to fulfill the additional requirements of the role, or no interest in the role. Differing capacity of specialist units across the state also contributes to dissatisfaction within the organisation.

Indeed, and despite the increased resourcing and focus on domestic and family violence responses in recent years in the QPS, results from the QPS DFV-Q 2022 survey conducted for the Commission showed that there was a general dissatisfaction among officers with the availability and accessibility of the support provided by specialist units to frontline officers.

Significantly, this sense of dissatisfaction had increased since an earlier QPS DFV-Q survey in 2018 such that:<sup>118</sup>

- 40.9% of survey participants in 2022 did not agree that specialist support was easily available (an increase of 12.3 points since 2018).
- 43.1% of survey participants in 2022 did not agree that Domestic and Family Violence Coordinators and Domestic Violence Liaison Officers provide guidance or influence their work (an increase from 26.8 points in 2018).

The 2022 results repeat membership criticism from the 2018 survey about organisational resourcing decisions with 61.1% of survey participants reporting the balance of resources was not working well.<sup>119</sup> This deterioration in sentiment is evident across five of the seven regions.<sup>120</sup>


This issue was commented on in numerous free-text responses to the survey, such as:

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**There needs to be more accountability of DVLOs, more support for DFVCs who are often pulled from different directions from district line managers and further, there needs to be more support for support agencies. Senior officers / Leaders need to identify when their staff are not managing and burnt out and there needs to be face to face learning opportunities for staff.**

**One or two DVLO's in an area isn't nearly enough. To make an example, have a look at the size of our traffic branch then consider that at the more serious end of the spectrum DV results in quite serious criminal offences being committed with victims and witnesses suffering a unique set of pressures. Why do we not have that many officers dedicated to dealing with a problem that takes up a far more significant percentage of time and can lead to extremely serious consequences?<sup>121</sup>**

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<b>DOMESTIC AND FAMILY VIOLENCE LIAISON OFFICERS (DVLOs)</b>	DVLOs are responsible for undertaking quality assurance activities within stations to ensure compliance by general duties officers with relevant procedures and legislation.
<b>DOMESTIC AND FAMILY VIOLENCE COORDINATORS (DFVCs)</b>	DFVCs are responsible for coordinating and monitoring policing responses to domestic and family violence at a district level. This includes providing direction and advice to other officers, stakeholder liaison, assisting with training and undertaking quality assurance activities.
<b>DOMESTIC AND FAMILY VIOLENCE AND VULNERABLE PERSONS UNITS (DFVVPUs)</b>	DFVVPUs are responsible for actively engaging with victim-survivors and perpetrators at a district level, including identifying support options, and contributing to actions to improve perpetrator accountability.
<b>HIGH RISK TEAM (HRT)</b>	There are dedicated roles in the QPS to support the organisation's participation in HRTs in some areas in Queensland. A HRT is an interagency team which includes police, specialist services and other entities and is established to improve responses to victim-survivors at imminent risk of serious harm or lethality.
<b>CO-LOCATION AND CO-RESPONDER MODELS</b>	External agencies assist police to provide an optimal response. Co-location involves a social worker embedded in a police station or a specialist police member embedded in a non-government organisation. A co-response involves police attending a call for service with a specialist domestic and family violence worker.

Figure 17: Summary of the critical district resources which, when implemented properly, improve police responses to domestic and family violence

Concerns about the limited organisational commitment given to the specialist resources were also evident in a number of responses, such as:

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**The DFV command need more staff and resources to do the job well.**

**DVLO's/VPU's are far removed from the every day responses to DV.**

**The VPU is creating more work for general duties, not relieving pressure or providing support. The VPU should be INVESTIGATING and ACTIONING DV matters, not initiating contact and then passing the work down to generals.<sup>122</sup>**

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Submissions to the Commission recognised that there were officers who were passionate about this work and dedicated to their roles. However, they also noted that other police placed in the roles lacked the ability to effectively perform the tasks required. It was also evident that some police in specialist roles did not want to work in the role, which impacted their performance.<sup>123</sup>

Ms Emma Wilson, a specialist domestic violence advocate embedded in the South Brisbane Domestic and Family Violence and Vulnerable Persons Unit, gave evidence that in her view, the professionalism, commitment and understanding of domestic and family violence issues displayed by officers who were permanently within the unit were of a high standard. She said:

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**They have a really clear passion and want to change and want to adapt as well with new - with everything rolling out and all the new policies and procedures that do come into place. They obviously have a vested interest in stopping the cycle and making sure that there are good long-term outcomes for women and children that have experienced domestic violence. Yes, I would say it's good.<sup>124</sup>**

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Conversely, officers who are rotated into Domestic and Family Violence and Vulnerable Persons Units do not necessarily want to be in that role.<sup>125</sup> Some of these officers were disinterested and lacked the necessary passion to appropriately engage with domestic and family violence issues.<sup>126</sup> In this respect, Sergeant Neil Gardner, the DFVC at the South Brisbane DFV VPU, told the Commission:

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**Staffing the VPU with ill-suited staff can lead to frustration at, and inconsistency in, the VPU's response.<sup>127</sup>**

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Temporary appointments and frequent staff turnover within Domestic and Family Violence and Vulnerable Persons Units are a significant issue.<sup>128</sup> Some general duties officers are also non-receptive to feedback from specialist officers and consider they are being monitored too heavily.<sup>129</sup>

Each of the specialist roles are considered here in more detail.

## DOMESTIC AND FAMILY VIOLENCE LIAISON OFFICERS

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Pursuant to section 9.15.4 of the QPS Operational Procedures Manual (OPM), the Officer in Charge (OIC) of a station is the domestic and family violence liaison officer (DVLO) for that station.<sup>130</sup> However, the role tends to get delegated to another officer in the station at Constable or Senior Constable level.

This position is intended to provide quality assurance of general duties officers' actions in responding to domestic and family violence.<sup>131</sup> The DVLO role also provides guidance and advice for frontline officers, particularly in respect of compliance in creating domestic and family violence related occurrences within QPRIME.

While OICs are required to ensure that a DVLO has sufficient time and resources to fulfil these duties, in practice this does not always occur. They must often complete tasks alongside their other general duties, with no standard or specialist training (which includes competency testing) routinely provided.<sup>132</sup> The Commission is aware that DVLO training has been conducted by QPS in the past.<sup>133</sup>

On the lack of support for DVLOs, one QPS officer reflected in the QPS DFV-Q 2022 survey that:

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**When I agreed to take on the DVLO role I was shocked that there is no standardised training that all DVLO's undertake, and the haphazard approach to district running of this highly important government and QPS priority left me stunned.<sup>134</sup>**

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Mr Mark Ainsworth, a retired Detective Superintendent, was engaged by the Commission to conduct interviews with police officers to assess the views of the QPS membership about various matters, including the capacity, capability and structures of the QPS to respond to domestic and family violence. A Constable who was interviewed by Mr Ainsworth stated that she was required to undertake the DVLO role in her station along with other general duties tasks. She reported that she had never been offered or received training on how to perform this role and found it very difficult to undertake her quality assurance activities in the required timeframe due to staffing levels, her other duties and no backfill arrangements while on leave.<sup>135</sup>

Despite the OPM requiring that the position is appropriately resourced,<sup>136</sup> Chief Superintendent Ben Martain accepted at a hearing that DVLOs are under significant pressure because of the volume and complexity of the cases they review and the requirement that they fit these duties in after hours or while they are between other jobs.<sup>137</sup>

Other officers who were interviewed by Mr Ainsworth provided views about the value of the DVLO role, which they reported was largely one that undertook 'checks and balances', rather than providing advice to other staff in the station. They also stated that there was no consistency in the position across districts, and that it would be beneficial if the role had a more operational focus.<sup>138</sup>

Common feedback about DVLOs from other officers interviewed also included:

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**DVLO's mostly do audits of attending officers' paperwork re DV's and really do not value add to the DV investigation/support at all.<sup>139</sup>**

**DVLO's are...only available when they are on roster. Not all DVLO's performing the role are trained and many don't want to work in the role but are rostered to do so.<sup>140</sup>**

**DVLO role is a waste of time, basically just a checking process after more senior officers have completed the checks and balances.<sup>141</sup>**

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The Women's Legal Service Queensland submission echoed some of these concerns, including the absence of any requirement that holders of DVLO positions have training or expertise in identifying the domestic and family violence needs of a community.<sup>142</sup>

The following case study provides a snapshot of the negative responses to domestic and family violence that can occur when officers in the DVLO role are not appropriately trained:

## **CASE STUDY: LAURA'S EXPERIENCE**

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Tim died by apparent suicide in 2018. At the time, he was separated from his wife of ten years, Laura. In the twelve months prior to his death, Tim's behaviour had deteriorated and had escalated in seriousness, including stalking and sexual assaults.

In the weeks prior to his death, Laura reported to police that Tim had threatened to shoot her and kill himself. This was confirmed by Tim to police. A week earlier, Laura reported to police that Tim was stalking and controlling her. She showed them a text message he had sent months earlier where he threatened to kill her and told them he had moved his firearms and she did not know where they were.

The day before his death, Laura attended the police station and spoke to Officer Beige who was undertaking the DVLO role and had been for two years. Laura reported the following to Officer Beige:

- Tim had made several previous threats to kill her and himself
- They had recently separated
- Laura had tried to get a formal Protection Order but the court was closed. There were no formal Protection Orders in place
- Laura had concerns for Tim's mental health, including that he was becoming extremely paranoid and obsessive, including calling her 30 times a day at some points
- Tim had access to firearms
- Two days prior, Tim had acted aggressively towards her and told her he hated her, in front of their children. He drove erratically from her house
- Tim had previously raped her.

The interaction between Officer Beige and Laura was captured on the officer's body worn camera. At the time, Laura was sobbing, shaking and clearly afraid. She pleaded with the officer to do something and said she thought Tim was going to kill her, or the children and himself to punish her.

While at times empathetic to Laura, Officer Beige advised her there was really nothing the police could do besides 'noting it on the system'. Officer Beige took no further action apart from advising her supervisor of the report and entering the interaction on the police system as a 'street check', meaning it was not flagged as a domestic violence occurrence.

This was plainly incorrect. At the least, Officer Beige could have completed an urgent application for a Temporary Protection Order (TPO) naming Laura and her children, with no contact conditions.

Following Tim's death, the QPS conducted an internal investigation and Officer Beige was interviewed about her interactions with Laura. Officer Beige stated that she would not have done anything differently if presented again with the same information Laura gave her and believed she had done all she could do. Officer Beige was advised of the clear risk factors present in the relationship but stated she 'respectfully disagreed.' Ultimately the investigation concluded that Officer Beige could not continue in the DVLO role without further training, including on recognising domestic and family violence risks, and that she be referred for disciplinary action for failing to investigate domestic and family violence.<sup>143</sup>

Given the pressure on frontline officers responding to domestic and family violence, the DVLO role is critical in both supporting frontline police and providing quality assurance of the actions of such officers after the fact. It is an important specialist role to ensure the QPS response to domestic and family violence consistently meets community expectations.

In the Commission's view, DVLOs should be appropriately trained, and their function should be made clear. Importantly, DVLO positions should be established as permanent, full-time positions in order to provide an appropriate level of support to operational police and conduct the quality assurance aspect of the role. A recommendation to this effect is made at the end of this chapter.

## DOMESTIC AND FAMILY VIOLENCE COORDINATORS AND OFFICERS

Domestic and Family Violence Coordinators (DFVCs) are responsible for coordinating and monitoring the QPS response to domestic and family violence within their district.<sup>144</sup> While their specific activities may differ between districts, functions generally include:

- providing direction, guidance and advice to QPS members and the community
- community networking and liaison to develop referral networks and preventative strategies
- provision of advice and guidance to station DVLOs
- assisting with education and training
- liaising with other relevant units within the QPS
- identifying and monitoring repeat calls for service
- regular monitoring of QPRIME to ensure appropriate responses, and compliance with policy and legislation by officers.<sup>145</sup>

Section 9.15.3 of the OPM requires that officers in charge of districts appoint DFVCs and allocate adequate time and resources to those officers to enable them to carry out their functions and duties. DFVC appointees must be at the rank of Sergeant.

Each district has at least one DFVC and there are a further six DFVCs located within the Brisbane Police Communication Centre.<sup>146</sup>

Many previous reviews and reports have highlighted the critical importance of DFVCs in supporting an effective response to domestic and family violence. For example:

- In 2005 the Crime and Misconduct Commission<sup>147</sup> recommended a review of the role and function of the domestic violence coordinators. Significantly, the report found *"it is unlikely that such a role can be adequately undertaken on a part-time basis and to fulfil these responsibilities, the regional coordinator should preferably be a dedicated full-time position."*<sup>148</sup>
- At the 2014 inquest into the death of Noelene Marie Beutel,<sup>149</sup> the coroner noted the knowledge and dedication of the DFVC to policing domestic and family violence was impressive and found that if that officer was representative of the DFVCs throughout the state, then *"the service would do well to encourage and empower these officers."*<sup>150</sup> As a result, the coroner recommended additional DFVC positions should be established in parts of Queensland where domestic violence is prevalent.<sup>151</sup>

- The Special Taskforce on Domestic and Family Violence in Queensland (2015) recommended increasing the staffing number of district DFVCs, in recognition of the valuable contribution they make to the experiences of victim-survivors of domestic and family violence.<sup>152</sup>

Several districts also have Domestic and Family Violence Officers (DFVOs) who are appointed at the rank of Constable or Senior Constable and perform duties in support of the DFVC role.<sup>153</sup>

There are no mandatory qualifications or role-specific criteria for appointment to these positions.<sup>154</sup> There are also no mandatory training requirements,<sup>155</sup> however some officers have received professional development in domestic and family violence. For example, in June 2021, a two day 'Vulnerable Persons Conference' was attended by over 130 QPS members working in domestic and family violence and vulnerable persons policing.<sup>156</sup>

In addition, the Commission was told that specialist officers, including DFVCs and DFVOs, have been identified by the QPS for specialist training during the 2022-23 period, with the first course scheduled to be delivered in November 2022 and a further three courses to be delivered by June 2023.<sup>157</sup>

While some district DFVCs, including those located in the Brisbane Police Communications Centre, work shifts, the role is predominantly staffed from 8am to 4pm.

There is also variability in the way that DFVCs manage compliance and monitoring functions across districts. Some conduct a review of all domestic and family violence occurrences within the previous 24 hours and assess what, if any, further action is required. In other districts, this function is shared with station DVLOs, DFVOs and other officers attached to Domestic and Family Violence and Vulnerable Persons Units (DFVVPUs). This monitoring process can involve tasking the initial general duties officer to provide further information, referring the occurrence to a High Risk Team or requiring further investigation of alleged criminal offences.<sup>158</sup>

Sergeant Neil Gardner told the Commission at a hearing that the review of the previous day's domestic and family violence occurrences can take all day, leaving little time for him to fulfill other duties. He also reported that his decisions about whether further action is required are largely dependent on the information supplied by the general duties officers who have attended the occurrence.<sup>159</sup> On occasions, where the evidence is lacking, he will task other members of the DFVVPUs to find out more information.<sup>160</sup>

This represents an ongoing risk for the QPS given the issues with inaccurate or under-reporting by some officers when they attend domestic and family violence related calls for service discussed in Part 1 of this Report.

Sergeant Gardner also reported that he found this role physically and emotionally exhausting and that it was not a sustainable way of working.<sup>161</sup> He recognised his position and functions exposed him to the potential for burnout, compassion fatigue and vicarious trauma.<sup>162</sup>

Another DFVC, Sergeant Elise Feltham, told the Commission that when she was initially appointed in Townsville in 2017, she did not have the capacity to review all occurrences on her own. While this was rectified with the appointment of further positions in early 2022, this was approximately five years after she first commenced in the role.<sup>163</sup>



Some officers in DFVC roles told Mr Ainsworth they felt undervalued. One Sergeant said that, in her role as DFVC, she “feels very much undervalued by other police including some senior management and first response officers...[and] does not get the credit for the experience she possesses by other police within the district.”<sup>164</sup>

Frontline police also often do not understand the role of DFVCs, and the role does not appear to be well promoted internally.<sup>165</sup> The Sergeant referred to above also told Mr Ainsworth that she has “seen failings by OIC’s in the induction phase of new FYC’s (first year constables) by failing to introduce them to her role as the DFVC. This failure does not allow the officers to know who she is and what she does and how she can assist.”<sup>166</sup>

In the Commission’s view, the roles of DFVCs and DFVOs are important for improving QPS responses to domestic and family violence. When they operate effectively, the roles have the potential to significantly bolster the quality of the QPS response. However, they are used inconsistently and there is inadequate information provided to the QPS membership about the support that these positions can provide.

In the Commission’s view, the function of DFVCs and DFVOs should be consistent across the organisation, and the function of the role should be made clear. A recommendation to this effect is made at the end of this chapter.

### DFVCs IN BRISBANE POLICE COMMUNICATIONS CENTRE

Since March 2021, there have been six DFVCs working in the Brisbane Police Communications Centre. These appointments were made to improve the advice and assistance available to general duties officers after hours. They offer support almost 24 hours a day, seven days a week, however the demand on these six officers is intense.<sup>167</sup>

They are required to assist frontline officers attending domestic and family violence related calls for service with decisions and investigations, when requested. They also monitor police calls for service to look for domestic and family violence related issues where they consider they can provide useful information to the frontline officer who is attending the scene.<sup>168</sup>

These positions were filled by an internal expression of interest. No minimum qualifications or mandatory criteria were required to fulfil the role although previous experience as a DVLO or DFVC was preferred. Not all officers currently have this previous experience.<sup>169</sup>

There was no mandatory training provided to the DFVCs in the Brisbane Police Communications Centre, despite Chief Superintendent Martain’s evidence that the QPS would prefer them to have completed a domestic and family violence specialist course.<sup>170</sup>

## DOMESTIC AND FAMILY VIOLENCE AND VULNERABLE PERSON UNITS

Domestic and Family Violence and Vulnerable Persons Units (DFVVPUs) have been established in some QPS districts to enhance policing responses to domestic and family violence and other vulnerable persons. Their responsibilities include:

- actively engaging with victim-survivors and perpetrators within their district
- identifying support options for victim-survivors and perpetrators
- supporting investigations of potential criminal offences
- assisting in perpetrator accountability.<sup>171</sup>

Officers in DFVVPUs are not first responders. The roles are focused on taking follow-up action to reduce future domestic and family violence related calls for service. They also fulfill a secondary compliance and quality assurance role.<sup>172</sup>

DFVVPUs exist in ten of the 15 police districts in Queensland, with a commitment made by the QPS to expand them into the remaining districts by December 2023.<sup>173</sup> This expansion is being supported by the Command through the QPS DFVVPUs capability framework and associated maturity assessment tool.<sup>174</sup>

The maturity assessment tool is intended to support each district to have improved visibility of its allocation of resources for domestic and family violence, within the context of local service delivery demands and community needs.<sup>175</sup> The broader DFVVPUs capability framework has established a benchmark of the key principles, functions, resourcing allocations, and operation of these units within districts.<sup>176</sup>

At this stage, the rollout of DFVVPUs across districts is ongoing, and some are more mature and established than others. For example, those located in the Gold Coast and Logan districts have greater resourcing and are more advanced in their operations compared to other districts.<sup>177</sup>

The size and structure of each DFVVPUs varies depending on district needs and priorities. They are also resourced through growth allocations<sup>178</sup> which means that they are competing for positions against other district priorities.

Not all roles in a DFVVPUs are filled with officers on a permanent or long-term basis. Some rotate through the role every three to six months which is disruptive, and results in a loss of knowledge and skills within the DFVVPUs and a continued need to train new staff.<sup>179</sup>

The rotation of staff, particularly those without any specialist training, can lead to poor responses to domestic and family violence.<sup>180</sup> As reported by the Aboriginal & Torres Strait Islander Women’s Legal Services North Queensland:

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**Police working in specialised DFV units are not immune from the issues with police attitudes and culture that are endemic to the rest of the police service. QPS staff assigned to specialised response units report many of the same attitudes to sufferers of non-physical violence, long-term abuse, and coercive control as their less experienced counterparts. Therefore, it is clear that the creation of these specialised units is not a panacea.<sup>181</sup>**

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In some districts, officers feeling burnt out by their substantive role or who need a break from shift work are rotated into the DFVVPU. In some cases, they have no desire to work in a specialist domestic and family violence unit and are not committed to achieving its objectives.<sup>182</sup>

Such an approach impacts the effectiveness and credibility of a DFVVPU and reflects a lack of prioritisation of the unit's work. For example, a former DFVVPU staff member reported that:

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**Officers who work in the VPU...stated that their career pathway was affected as they chose to work in DV which the service did not highly regard... Local stations would also send "problem officers" to VPU to work where they become an even bigger problem and working in the unit was not the appropriate place for them.<sup>183</sup>**

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Some feedback from officers who participated in the QPS DFV-Q 2022 survey did however highlight the value of officers rotating through the DFVVPU:

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**I work in the VPU and believe it has been very beneficial for first year constables to do a two week rotation in our office. I believe they are left with a favourable impression of the VPU which is not often the case with officers who have not had contact with the VPU except for being sent a task to fix up something.<sup>184</sup>**

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While there are benefits to having officers rotating through a DFVVPU to enhance their knowledge and skills in responding to domestic and family violence, this approach only works where the unit is staffed by well trained and permanent members who can provide guidance and support to new officers.

Similar to DVLOs, DFVOs and DFVCs, there are currently no essential criteria and no ongoing training requirements for working in a DFVVPU.<sup>185</sup>

## **OPERATIONAL SUPPORT AND ASSISTANCE**

While there is considerable value in appropriately resourced specialist units within the districts to assist other officers to better understand and respond to domestic and family violence, concerns have been raised about the current structure and resourcing of the DFVVPU.

The DFVVPU does not operate on a 24/7 basis and their lack of availability outside business hours is a point of dissatisfaction for frontline officers.<sup>186</sup> Results from the QPS DFV-Q 2022 survey highlighted concerns with the current staffing of 8am to 4pm shifts.<sup>187</sup> Survey participants reported that:

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**[VPUs] needs more resources 24/7. I don't know how many times I have been in a crew where we've called the local VPU and not been able to get an answer on any phone number.<sup>188</sup>**

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**The VPU needs to be increased in numbers and needs to commence working 24/7 and responding to DV incidents.<sup>189</sup>**

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Understandably, officers feel frustrated that they do not have access to the specialist guidance they require to inform their decisions, and then are followed up by the DFVVPU the next day because they have missed something. This erodes the little spare time they have on a shift in circumstances where they may have been able to address the issue if DFVVPU staff had been available when they needed assistance.

A well-resourced DFVVPU that operates 24 hours a day, seven days a week would also be able to take the burden of 'on call' advice from other officers on duty, and lead to timelier, better informed responses to victim-survivors. Due to variability in population across districts each DFVVPU need not operate at full 24 hour, seven day capacity, as long as officers from the DFVVPU are available on-call to assist frontline officers with enquiries.

## **ASPECTS OF DFVVPU THAT WORK WELL**

A well-resourced and high functioning DFVVPU is widely acknowledged as a positive initiative in the QPS response to domestic and family violence. Such recognition was clear in the evidence received by the Commission from a range of sources, including victim-survivors, community organisations and QPS members.

For example, the Commission heard from Ms Rosemary O'Malley, Chief Executive Officer of Gold Coast Domestic Violence Prevention Centre (DVPC), who noted that:

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**....while women report...their poor experiences when reporting DV at police stations, they frequently report exceptional responses and outcomes when the DFV Specialist Units/VPUs become involved. DVPC could not do our daily work without the assistance of officers in the Gold Coast DFV/VPU.<sup>190</sup>**

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The Commission also heard from Sergeant Michael Read, a police prosecutor, who noted that:

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**The VPU in Logan is in the next room to the prosecutions office and this close relationship worked very well in managing high risk respondents and aggrieved persons in need of further and better access to support.<sup>191</sup>**

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Other examples of positive submissions from community organisations about DFVVPUs include:

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The co-location of a DFV Specialist Social Worker from BDVS in a Vulnerable Persons Unit has had a positive impact on the understanding of DFV and coercive control for those police officers on rotation. In working alongside each other, BDVS staff and police build good relationships, share information and knowledge routinely, and promote understanding with a wider group of police officers when on a new rotation. This helps to open-up a police culture to new influences. We also better understand the police role and perspectives through this co-location.<sup>192</sup>

The individual officers working in the VPU currently display dedication and passion for the work they undertake, and the commitment they make to positive and purposeful relationships with sector colleagues.<sup>193</sup>

The use of District based DFV&VPU's who case manage high and extreme risk DV respondents and aggrieved persons [works well]. These units are essential when trying to prevent and disrupt DV.<sup>194</sup>

VPU's work well as they have formed complex multi agency relationships that are genuinely beneficial to the QPS and victims.<sup>195</sup>

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Professor Silke Meyer, School of Health Sciences and Social Work, Griffith Criminology Institute and Griffith Centre for Mental Health, Griffith University, conducted research in 2021 which demonstrated that specialist domestic and family violence officers in DFVVPUs have clear understanding of the complexities associated with such violence. She noted that these findings highlight the benefits of the DFVVPUs as they tend to provide more domestic and family violence informed and holistic responses to both victim-survivors and perpetrators.<sup>196</sup>

Recent research into opportunities to address the misidentification of victim-survivors as perpetrators also highlighted positive experiences with this specialist approach. The 2020 Australian National Research Organisation for Women's Safety report, *Accurately identifying the 'person most in need of protection' in domestic and family violence law* noted the following observations:

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But it's not 'til you ask to speak with a [VPU] officer, it's a completely different attitude, completely different ... [VPU] are probably by far the best - (a victim-survivor).<sup>197</sup>

They've [VPU] done some great training, so quite often, I can advocate that way and they will really dig deep and engage in a respectful, gentle way and they'll really think about which officer they're going to allocate - (a domestic violence service provider).<sup>198</sup>

The other thing we will do is we'll contact VPU directly and say, "Smith has been identified as a respondent. A female respondent. However, we feel that that may not be the correct course of action that we've taken." And then VPU may take up further enquiries as we go from there - (a police prosecutor).<sup>199</sup>

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Positive feedback was also received from victim-survivors where frontline officers and representatives from the DFVVPU proactively worked together to provide support throughout relevant court proceedings.

## CONFIDENTIAL SUBMISSION RECEIVED FROM A VICTIM-SURVIVOR

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I would like to make a submission in support of the Maryborough police officers that I dealt with this year in relation to domestic violence complaint I made. The reporting officer (redacted) who I spoke to the first late afternoon was very helpful, understanding and supportive making sure I was safe and understood what was going to happen next. Each time I spoke with (redacted) he helped me to understand what was happening.

Where I had to appear in court less than two days after the Vulnerable Persons Unit officers (redacted), the Police Prosecutor and the DV Connect were very supportive. The VPU and prosecutions both fought to maintain the Protection Order when the solicitor continually tried to reduce the order by putting in multiple submissions.

I understand that many victim/survivors of domestic violence may not have been supported in the same way, but I wanted you to know my story. Even though I had not been 'hit' and my situation may not have been 'typical,' the officers involved recognised the emotional abuse, psychological abuse, stalking behaviour and control that was occurring.

I am now able to live my life with my children without constant worry about what will happen next or how many times my phone will ring and beep in the next hour. Thank you to (redacted) for everything they have done for me this year.

The specialist focus of DFVVPUs also mean they have more capacity to oversee district responses and implement case management strategies to better respond to local demand pressures. While increased oversight of domestic and family violence related occurrences may help to improve consistency in approaches taken by individual officers, the monitoring role of DFVVPUs has not been without criticism.

Mr Ian Leavers, President of the Queensland Police Union of Employees, submitted to the Commission that there is workplace division between operational officers and specialist units such as the DFVVPU, which are seen to operate as *“another layer of oversight and criticism by those working the comfort of a day shift and not having to deal with stress and difficulties associated with attending the scene.”*<sup>200</sup> Conversely, Mr Leavers also highlighted that other work undertaken by DFVVPU staff is not seen or valued by frontline officers where interactions are generally focused on compliance.<sup>201</sup>

Issues identified about the operation of the DFVVPU in submissions largely related to a lack of understanding or interaction between these officers and general duties police.<sup>202</sup>

## OTHER APPROACHES IN AUSTRALIA

### NEW SOUTH WALES

The New South Wales Police Force does not have dedicated Domestic Violence units. Instead, specialist police are distributed across 57 local area commands and include:<sup>203</sup>

Domestic Violence Officers who provide support in local commands by linking with community stakeholders, collecting information and intelligence, conducting compliance checks to ensure that police comply with standard operating procedures, and providing support and follow-up for victim-survivors.

Domestic Violence Operatives who are tasked with proactively identifying, targeting and monitoring repeat offenders of domestic and family violence crime. Their role is to reduce re-offending, coordinate bail and apprehended domestic violence orders, conduct compliance operations, and assist Domestic Violence Officers. Operatives also operationalise the DV Suspect Targeting Management Plan (DV-STMP), by surveilling high risk offenders and monitoring compliance with domestic violence orders.

In 2016, the New South Wales Police Force also introduced six Domestic Violence High Risk Offender Teams tasked with taking a proactive approach to identifying, targeting, and monitoring repeat offenders of domestic and family violence.<sup>204</sup>

### VICTORIA

Victoria Police’s Family Violence Investigative Units investigate serious, complex or high risk cases.<sup>205</sup> Situated in each police division, Family Violence Investigative Units are led by a detective senior sergeant, and include a team of investigators, an intelligence analyst, a Family Violence Training Officer and a Family Violence Court Liaison Officer.

The Court Liaison Officer is a key contact point between the prosecutor, witnesses, legal representatives, victims, and court staff. They assist the court process and ensure the victim-survivor is fully informed of civil and criminal proceedings. All 24-hour police stations in Victoria also have a Family Violence Liaison Officer. This officer is a supervisor, and their role includes quality assurance of the station’s domestic and family violence response, reviewing risk assessments, coordinating further responses, and acting as the station’s contact point for Family Violence Investigative Units and external agencies.<sup>206</sup>

### TASMANIA

Each of Tasmania’s three police districts have a dedicated Family Violence Unit,<sup>207</sup> responsible for assessing and monitoring all family violence matters in their area, with a particular focus on perpetrator accountability. Police within a Family Violence Unit are not primary responders for family violence.<sup>208</sup>

Expanded operating hours would improve the support provided by DFVVPUs to general duties officers. The Commission also received evidence that indicated that improvements in policing responses can be achieved when a DFVVPU is well-resourced with suitably qualified, permanent officers who have an interest in responding to domestic and family violence.

In support of this, Act for Kids submitted that to achieve a change in culture and approach in policing domestic and family violence, DFVVPUs need permanent, trained and dedicated staff, and that consideration should be given to implementing a vetting process to ensure that officers are knowledgeable and hold appropriate attitudes and beliefs prior to their appointment to the role.

A strong connection and partnerships between district DFVVPUs, general duties officers, tactical crime squads, and other specialist units (such as the Child Protection Investigation Unit and Criminal Investigation Branch) is also critical.

This approach recognises the importance of all police working together to respond to domestic and family violence, and the need to draw on all areas of specialisation within the QPS to effectively respond.

Ideally, a well-resourced DFVVPU should include a mix of officers with specialist experience in domestic and family violence, as well as those with investigative, intelligence and prosecution expertise, combined with non-QPS employees from specialist support services.

The following diagram depicts the mix of skills and positions that should be part of a DFVVPU:

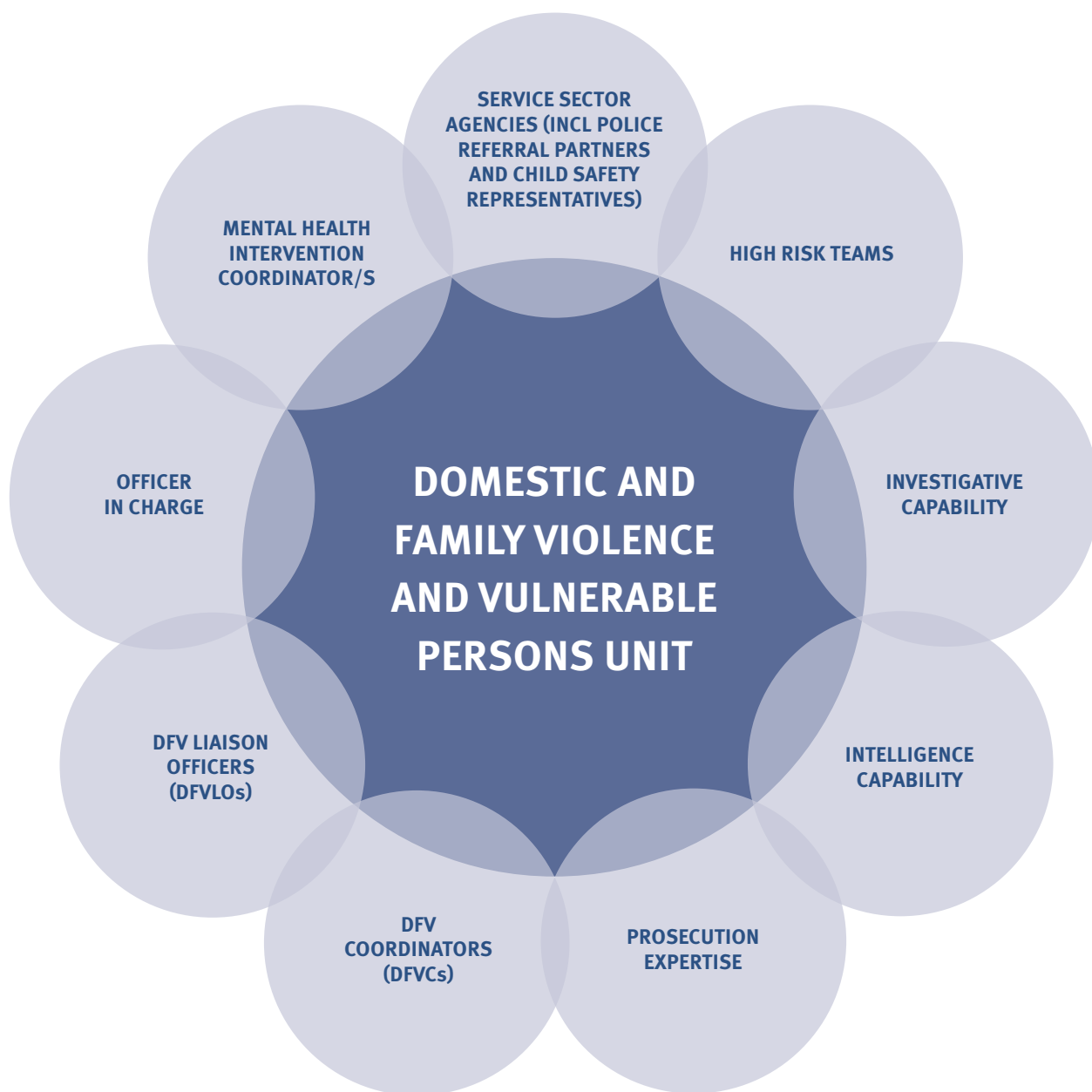


Figure 18: Skills and roles required for the Domestic, Family Violence and Vulnerable Persons Unit as outlined within the Domestic and Family Violence and Vulnerable Persons Capability Framework<sup>209</sup>

DFVVPUs should be staffed with permanently appointed and properly trained officers who are dedicated and interested in best practice responses to domestic and family violence. They should also have a capability to better investigate domestic and family violence matters. The Commission makes recommendations to improve DFVVPUs at the end of this chapter.



## HIGH RISK TEAMS

Established in Queensland as part of the reforms following the report of the Special Taskforce on Domestic and Family Violence (2015), High Risk Teams (HRTs) are a core component of a broader integrated service response to domestic and family violence.

They currently operate in eight areas across Queensland<sup>210</sup> and were established to support a coordinated, multi-agency response to victims-survivors and their children who are at high risk of serious harm or death.<sup>211</sup> The teams are the responsibility of the Department of Justice and Attorney-General, and include representatives from specialist services, police, health, corrective services, child safety, housing, and youth justice.

All HRTs include a civilian representative from the QPS.<sup>212</sup> The QPS members of the HRT sit within the local DFVPU, where one is operating, and are overseen by the DFVPU's Officer in Charge.<sup>213</sup>

The establishment of HRTs, supported by a Common Risk and Safety Framework and cross-agency system, allows for timely, consistent, and streamlined sharing of information by different representatives for persons referred to the teams who are considered to be at imminent risk of serious harm or lethality.<sup>214</sup>

Once a referral is accepted, the HRT considers the information held by each agency, within the context of a comprehensive risk assessment and safety management tool,<sup>215</sup> and develops a case management plan with agreed actions for each agency to undertake.<sup>216</sup> This approach means that the HRT has a more comprehensive understanding of the case than any of the agencies, acting alone, may possess.

This means the HRT can better understand and document the pattern of abuse within the relevant relationship, consider key risk indicators and shift the focus of agencies away from specific incidents.<sup>217</sup> This is particularly useful for police, who respond at crisis points with limited information or time, and it can also help to prevent the misidentification of victim-survivors as perpetrators.

While this model has its benefits for the QPS, including helping to improve a cross-agency response to high-risk cases, opportunities for improvement have been identified.

The Commission was told it can be challenging to refer cases to HRTs due to a clunky and difficult process.<sup>218</sup> Consequently many victim-survivors who should be referred to a team are not.<sup>219</sup> The Women's Legal Service Queensland also highlighted that the teams do not manage cases long-term or beyond a point of crisis.

It also became apparent that at least some officers within the QPS do not understand the purpose or operation of HRTs and, in some cases and more concerningly, awareness of the existence of HRTs at all. An officer who spoke to Mr Ainsworth said:

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**...the concept of HRT is great but is not marketed properly to frontline officers ... most frontline officers are not aware of the existence of the HRT and what they do.**<sup>220</sup>

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The Department of Justice and Attorney-General is continuing to progress improvements to HRTs following a 2019 evaluation which highlighted the need for the teams, and the broader integrated service response, to have a stronger focus on perpetrator accountability, develop more culturally appropriate responses and better define agency roles and responsibilities.<sup>221</sup>

This evaluation also found that while the Common Risk and Safety Framework was designed for use by all participating agencies as part of an integrated service response, it had developed differently than intended.<sup>222</sup> It highlighted that agencies, including the QPS, were continuing to use their own tools to assess risk, with the relevant HRT representative completing the Common Risk and Safety Framework only when making a referral into the team. This negates the intent of the tool which aims to develop a shared understanding, language and common approach to recognising, assessing and responding to domestic and family violence.<sup>223</sup>

The QPS does not use the Common Risk and Safety Framework outside of the HRT, and instead relies on the DV-PAF to help guide officers' decision making when responding to domestic and family violence related calls for service. There are 22 identified risk factors police can use to inform themselves of the protective needs of a victim-survivor and to support their decision-making.<sup>224</sup>

A recent evaluation of the DV-PAF found that while it is quick and easy to use, it is unable to predict recidivism and *"as a consequence it cannot be recommended as a risk assessment tool."*<sup>225</sup> Instead, it was useful for identifying the characteristics of a perpetrator, and as an aid to guide investigations. Similarly, the use of the DV-PAF is inconsistent even when taught at the Academy, with some officers trained to methodically go through each of the risk factors while others are trained to use it as a guide to assess a situation.<sup>226</sup>

The Department of Justice and Attorney-General recently released an updated Common Risk and Safety Framework in response to that evaluation and previous recommendations and findings of the Domestic and Family Violence Death Review and Advisory Board. Given the importance of the QPS being able to work more effectively across agencies, there would be benefit in it fully adopting this framework for use outside of HRTs, to help support better understanding of, and communication about, risk and safety. The Commission makes a recommendation to this effect at the end of this chapter.

## OTHER INTERAGENCY TEAMS

HRTs are not the only model in Queensland designed to improve agencies' responses to high risk or complex domestic and family violence cases. Multi-agency teams have also been established locally in some police districts to improve information sharing, collaboration, and case management. These initiatives are generally led by local specialist services and include a mix of different agencies (including police). Examples of different models include:

- Domestic Violence Cross Agency Monitoring (DVCAM), coordinated by Centacare (located on the Sunshine Coast)
- Multi-Agency Triage and Case Lead Allocation (MATCLA), coordinated by the Integrated Family and Youth Service (IFYS) (located on the Sunshine Coast)
- Gold Coast Domestic Violence Integrated Response (Dvir), coordinated by the Gold Coast Domestic Violence Protection Centre (DVPC).

These teams are intended to enhance responses to people experiencing domestic and family violence through improved information sharing, case collaboration and management, and better coordination of services.

Submissions from community organisations identified a range of positive benefits of these initiatives, including the development of stronger relationships between police and community services, improved information sharing and decision making, and better safety planning.<sup>227</sup> Professor Heather Douglas, from the Melbourne Law School at the University of Melbourne, told the Commission there is an increasing evidence base that supports a multi-disciplinary approach, noting that “QPS officers are historically supportive of this approach.”<sup>228</sup>

A multi-disciplinary response can also assist police to better understand the nuanced tactics a perpetrator may use to exert control over their partner or family member and improve responses to repeat calls for service.<sup>229</sup>

## OTHER APPROACHES IN AUSTRALIA

### VICTORIA

The *Family Violence Multi-Agency Risk Assessment and Management Framework* is a legislated service delivery framework which aligns the understanding of family violence, responsibilities, and information sharing between agencies.<sup>230</sup> Information sharing is also legislated, with prescribed entities who can share and request information relevant to domestic and family violence matters.

### NEW SOUTH WALES

The *Domestic Violence Safety Assessment Tool* (DVSAT) automatically communicates risk assessments to a central referral point, allowing constant monitoring of cases by external agencies, including repeat calls for service.<sup>231</sup>

### SOUTH AUSTRALIA, TASMANIA AND NORTHERN TERRITORY

Each of these jurisdictions align the responsibilities of various agencies and provide legislated information sharing between them to provide a coordinated and structured response to domestic and family violence. When cases are referred into the models, multi-agency meetings develop coordinated responses by each of the participating agencies.

- South Australia implemented the *Family Safety Framework* in 2013.<sup>232</sup>
- Tasmania established the *Safe Families Coordination Unit* in 2016.<sup>233</sup>
- Northern Territory implemented the *Domestic and Family Violence Risk Assessment and Management Framework* in 2018.<sup>234</sup>

### WESTERN AUSTRALIA

In 2013, Western Australia established the Family and Domestic Violence Response Team, a partnership between the Department of Communities (Child Protection and Family Support), Western Australia Police and non-government family and domestic violence services.<sup>235</sup> The Family and Domestic Violence Response Team organises case management meetings between relevant agencies to share information and develop safety plans for high risk cases.

### AUSTRALIAN CAPITAL TERRITORY

The Family Violence Intervention program commenced in 1998 and is chaired by the Victims of Crime Commissioner.<sup>236</sup> The program has two functions:

- a coordinating committee that identifies and implements reforms across agencies in the ACT
- a case tracking program which involves a weekly interagency meeting to provide coordinated responses to family violence matters that come to the attention of police and proceed to prosecution.

## CO-RESPONDER AND CO-LOCATION MODELS

Domestic and family violence is a complex issue that requires a targeted and specialised police response best delivered in partnership with other agencies. Significant benefits can be gained when police and specialist services are located together or respond jointly to a domestic and family violence related occurrence. QPS submissions note that it is very much in favour of co-responder models and has advocated for a co-responder model since 2020.

The Commission heard many victim-survivors had positive engagements with police in specialist and co-located models. Reported feedback included:

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**The police took my case seriously, they listened to me and have respected me the whole way through. I feel really listened to by them.**

**The two female officers handling this matter have gone above and beyond to assist.**

**Very supportive, understanding and willing to help.<sup>237</sup>**

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Additionally, the Commission heard from specialist services working with police in co-located or co-responder models, leading to positive outcomes for victim-survivors. While those same groups shared stories of victim-survivors' negative experiences with police outside co-located or co-responder models, feedback about their experiences when working with police in a co-located and co-responder model highlighted a range of positive outcomes.

These outcomes included significantly enhanced well-being, stability and safety for victim-survivors and their children, increased proactiveness, follow-up and information sharing by police,<sup>238</sup> enhanced cross-agency collaboration and shared learnings between the QPS and specialist services and reduced workload for the QPS.<sup>239</sup>

Ms Karyn Walsh, Chief Executive Officer of Micah Projects, agreed that *"co-response work is an excellent way of breaking down the power imbalance between police and victims, and can lead to improving how all stakeholders engage through a trauma informed lens."*<sup>240</sup>

Police who responded to the QPS DFV-Q 2022 survey also acknowledged the importance of engaging with other agencies. One respondent said:

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**Other government agencies really need to move to a 24/7 model and undertake the roles and responsibilities needed to support both aggrieved and respondent persons. Police are trying to do all of these roles and are overwhelmed, burning out and desperate for change. They are so swamped with DFV related jobs we are failing people unintentionally.**

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**More assistance from support agencies to assist in managing aggrieveds, particularly when they become hostile and unwilling to cooperate with Police. This does not mean exerting any sort of pressure to cooperate but rather provide more concentrated ongoing support in relation to recognising their status as an aggrieved and utilising support services to exit relationships that perpetuate domestic violence and victimisation.<sup>241</sup>**

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It is evident that such approaches help to address several issues in current responses by police to domestic and family violence.

In her report, Professor Silke Meyer said that police responses have improved somewhat following recent reforms, but further benefits could be gained from co-location of a domestic and family violence specialist worker in police stations, as well as police partnering with specialist workers to co-respond to domestic and family violence calls for service. Professor Meyer also noted that co-responder models can be particularly beneficial in First Nations communities where victim-survivors and alleged perpetrators may be reluctant to engage with police due to institutional racism and previous poor police responses.<sup>242</sup>

## CO-RESPONDER TRIALS

One significant barrier for police to effectively respond to domestic and family violence is the reluctance of the parties involved to provide officers with an accurate account of what has occurred.

As discussed elsewhere in this Report, there are many individual, cultural and historical barriers that impact a victim-survivor's willingness to engage with the police.<sup>243</sup> While there are opportunities to address some of these barriers to encourage open disclosure to police, it is also important to recognise that some victim-survivors may prefer to disclose their experiences to professionals other than police, such as social workers.

Co-responder models involve police attending a domestic and family violence related call for service with a specialist service provider. Ms Emma Wilson, a BDVS domestic violence advocate embedded at a DFVPU in Brisbane, explained:

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**It allows the embedded worker to interact with aggrieveds at a critical opportunity to share information, safety plan and receive practical needs like a safe phone. This assists in building rapport with the embedded worker and with QPS, supporting future responses.<sup>244</sup>**

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While a substantial proportion of a general duties police officers' time is spent attending domestic and family violence related calls for service, they are often focused on ensuring the immediate safety of the parties involved and identifying whether any criminal offences have occurred.

Given the investigative nature of their role, the police role is largely limited to providing advice, making referrals, gathering evidence, applying for a Protection Order and/or pursuing criminal charges.

On the other hand, representatives from specialist services have a different skill set and perspective, and are better equipped to assess risk, develop a safety plan and identify any support needs. Victim-survivors may also be more comfortable discussing the options available to them with a specialist worker than with police.<sup>245</sup>

Practically, the specialist worker can also assist police in gathering evidence, improving perpetrator accountability, as well as reducing the risk of misidentification of the person most in need of protection.<sup>246</sup> They are also better able to follow up with the relevant parties after the immediate crisis has resolved, which can further assist police through more intensive management of high risk cases or repeat calls for service.<sup>247</sup>

Providing a co-response is, however, not without its challenges as such responses can be resource intensive, and there are competing views from specialist services about the most appropriate model. While there have been several recent trials in Queensland with some indications of success, funding has not been extended after the trial period in those cases.<sup>248</sup>

For example, and as discussed in more detail below, the successful trial of a co-responder arrangement in Logan involving The Centre for Women & Co. and the QPS ceased in December 2021 after the allocated funding expired. In April 2022, the Centre for Women and Co. was able to secure funding support from the Small Steps 4 Hannah foundation for a three month period and the trial resumed.<sup>249</sup> Unstable and short-term funding is a clear impediment to the effective operation of a co-response model, particularly as it disrupts interagency partnerships and continuity in service delivery. Another barrier is that many specialist services do not operate outside of business hours.<sup>250</sup> A submission from Micah Projects explained:

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**The challenge is capacity. There is just one team of two workers servicing metropolitan Brisbane. Access to this opportunity, while leading to better outcomes for women and children, is limited to such a small number of victims/survivors. Co-responder work when done well ensures greater safety planning with victims, and greater understanding of the patterns of abuse, control and behaviour of the perpetrator. The dual approach achieves better outcomes.**<sup>251</sup>

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Attending a domestic and family violence related call for service is potentially dangerous. Additionally, there is limited availability of suitably qualified and experienced specialist support workers. The Commission was advised by Ms Rosemary O'Malley, Chief Executive Officer of the Gold Coast Domestic Violence Protection Centre, that it would be difficult to resource a 24-hour co-response project, as staff numbers are limited, and it takes both time and training to develop the skills required to be an effective advocate.<sup>252</sup>

Police are trained and prepared to deal with this type of situation and have powers to keep themselves, and the parties who are involved, safe. However, there are risks involved for specialist support workers who attend a domestic and family violence related call for service at a point of crisis.<sup>253</sup>

For this reason, a co-responder model which sees police attend a domestic and family violence related occurrence, and establish that it is safe, before inviting a co-responder worker to attend, is the preferred approach.

## EXAMPLE MODELS

The Partnership Response at Domestic Occurrences (P.R.A.D.O.) is an example of a successful, well-established co-responder model. It commenced in 2011, with specialist caseworkers co-located in the Caboolture police station, and has now expanded to include Redcliffe, Pine Rivers, Burpengary, and North Lakes police stations.

Caseworkers are embedded (co-located) at police stations and assist Domestic and Family Violence Coordinators within the QPS. They also receive referrals from police, and a crisis response is provided to the victim-survivor as soon as possible (usually within 24 to 48 hours). Case management and safety planning is also offered. P.R.A.D.O. caseworkers are also members of the Domestic Violence Cross Agency Monitoring (DVCAM), a High Risk Team type model coordinated by Centacare (referenced above in the HRT section), as well as the Moreton Bay HRT.

P.R.A.D.O. caseworkers receive direct referrals from the QPS and are able to discuss them with the Domestic and Family Violence Coordinator which expedites the crisis response. Previously, P.R.A.D.O. caseworkers accompanied police on home visits, however, this has stopped due to safety risks. Instead, caseworkers contact victim-survivors via telephone and if they are unable to make contact, request that the QPS undertakes a welfare check.<sup>254</sup>

P.R.A.D.O. was evaluated in 2021 and was found to have many features which improved the response to domestic and family violence.<sup>255</sup> Positive impacts included collaboration with police, links with DVCAM and the HRT, co-location with police and the influence of trauma-informed understanding on police responses.

The Safer Lives Mobile Service is another model which is operated by the Brisbane Domestic Violence Service (Micah Projects) and works in partnership with DV Connect.<sup>256</sup> This is a co-response service which operates after hours to assist women and children to explore their safety options.<sup>257</sup>

In practice, a social worker attends in partnership with police to support the victim-survivor while police deal with the immediate threat of an alleged perpetrator. In the 2021/22 financial year, 517 people were provided a co-response through this model.<sup>258</sup>

This 24-hour mobile service gives police the opportunity to contact the service and co-respond when it is safe to do so. Information sharing, risk assessment and decision making is improved by the presence of a specialised social worker.<sup>259</sup>

Some of the tasks police would otherwise undertake can be completed by the service organisation, such as referrals to agencies, alleviating workload for officers. This type of collaborative partnership can also help police develop their understanding of domestic and family violence and address police biases and attitudes.



In her findings related to the deaths of Hannah Clarke and her children, Aaliyah Baxter, Laianah Baxter and Trey Baxter, Deputy State Coroner Jane Bentley recommended a trial of a multi-disciplinary specialist domestic violence police station.<sup>260</sup> This would involve the co-location of specialist domestic and family violence police officer and a support worker, a lawyer and employees from the Department of Housing, the Department of Child Safety and Queensland Health. It was recommended that the trial occur in Logan or Kirwan, due to the high rates of domestic and family violence calls for service in these areas.

There are a range of anticipated benefits with this approach, given the broad collaboration that could occur in this type of facility. However, the extensive resources required for this specific multi-disciplinary approach mean that it would not be possible for every police station to be similarly staffed and therefore other models must also be examined.

The Centre for Women & Co. also recently trialled a co-response pilot with the QPS in Logan. In its submission, The Centre for Women & Co. said, “from day one we have experienced positive outcomes for women”<sup>261</sup> and that there were learnings gained by both agencies, with a positive shift in police culture. Police involved with the pilot also noted its benefits, including “a clear improvement in the skills and knowledge of the police officers assigned to the Co-Responder model.”<sup>262</sup>

## 2021 LOGAN CO-RESPONSE PILOT

The Centre for Women & Co. commenced a co-responder model with the Logan Central Police Station’s Domestic Violence Engagement Team. The trial ran between September and December 2021 and dealt with over 300 cases. The Centre for Women & Co. provided one domestic and family violence specialist who was based in the Logan Central police station alongside the Domestic Violence Engagement Team, to attend domestic and family violence related occurrences with the first responding police.

*“We instantly saw positive outcomes from day one of the trial.”*

By modelling to QPS officers how a specialist worker engaged with women, the general duties officers became more empathetic in their approach, building better relationships between police and victim-survivors.

The model also involved preventative work. Repeat calls for service were targeted, and the team followed up outside of the point of crisis.

Information sharing was also improved, allowing for the responding officers to be better informed when attending occurrences.

It was also submitted that the support of the Officer in Charge was a significant contributing factor to the trial’s success, demonstrating the importance of strong leadership for these types of initiatives.

## SUBMISSION FROM THE CENTRE FOR WOMEN AND CO.

*Centre for Women [CFW] has been involved in a trial Co-Responder model alongside Logan Central DVET [Domestic Violence Engagement Team] for nearly 6 months and from day one we have experienced positive outcomes for women.*

*The learning for both CFW and QPS and the subtle (but highly impactful) shift in police culture, understanding and approach has affirmed for all involved that this is working.*

*I’d also like to make special mention of Senior Sergeant, Officer in Charge (redacted), who has been instrumental in supporting the co-responder pilot to be as successful as it has been to date. I am proud of the strong respectful relationship we have built with (redacted) and his team, where we have had difficult conversations in relation to police responses and instead of being met with defensiveness, there is an openness to learn and do better. It is through working with (redacted) and his team that we are genuinely encouraged that police responses can be safer, appropriate and we can achieve best practice.*

*However, QPS need significant support to achieve this, the responsibility cannot be placed on one or two officers or a DFV specialist. It is imperative that all QPS officers are provided with trauma informed – best practice DFV training and are given the opportunity to connect with their local DFV specialist services to collaborate and ensure better outcomes are achieved.”<sup>263</sup>*

The model trialled in Logan resulted in positive outcomes for victim-survivors, particularly in cases with repeat calls for service. In the Commission’s view, this model should be trialled in other locations, and a recommendation to this effect is made at the end of this chapter.

## CO-LOCATION TRIALS

As with a co-responder model, a co-location model involves police working collaboratively with specialist services. The key difference is that instead of the support worker attending calls for service with police and providing support at the scene, the worker is embedded within a police station or DFVPU and provides support to police when people attend the station, or when following up on cases.

Like P.R.A.D.O., some co-location models incorporate a co-response component. For P.R.A.D.O. caseworkers, sitting alongside police vastly improved communication around domestic and family violence and clients’ needs. For police, co-location with caseworkers provides an ‘in-house’ specialist who can respond to the needs of victim-survivors at the point of crisis and alleviate this existing responsibility from police. It also provides police



officers with the opportunity to talk to a specialist service provider when they need additional advice or support to deal with a complex case.

A further benefit is that victim-survivors who report to police can speak directly to a specialist worker, increasing the likelihood of client engagement and action.<sup>264</sup>

In 2021, the Gold Coast Domestic Violence Protection Centre trialled the co-location of two advocates in Southport and Coomera police stations for two days per week.<sup>265</sup> A previous eight-week pilot was initiated in 2019 by a QPS Inspector to improve the experience of women attending the police station. The pilot programs ended due to lack of funding and the precarious nature of the funding for these initiatives is a barrier to their effective and ongoing implementation.

Griffith University evaluated the 2021 trial, finding that most victim-survivors reported positive experiences with police, and multiple other benefits from this approach including:

- enhanced feelings of safety
- reduced wait times
- more support
- reduced fear and anxiety talking to police
- faster referral to services
- increased likelihood of the police taking the call for service seriously.<sup>266</sup>

The evaluation also found that victim-survivors who met with an advocate only or an advocate and police were more likely to report increased feelings of safety than those who only met with police.<sup>267</sup>

There were also benefits for the organisations involved which included enhanced interagency collaboration and shared learnings, and reduced workload for the QPS.<sup>268</sup> Participants recommended the continuation and expansion of the pilot to cover more days and more locations.<sup>269</sup>

Importantly, the evaluation identified that advocates must be placed in a highly visible and accessible location within a police station, so that they are regularly interacting with the officers and collaborating with them.<sup>270</sup> There must also be a private area in the police station for the embedded advocate to speak with the victim-survivor, so that sensitive information can be shared privately.<sup>271</sup>

Despite these positive results, the pilot was not without its challenges, which included:

- differing approaches between the advocate and QPS
- QPS staff turning victim-survivors away when the advocate was not at the station and telling them to come back when the advocate was available
- disrespect for the advocates from some QPS staff.<sup>272</sup>

However, it was ultimately considered that as the embedded specialist's role matured in a police station and the role was better recognised by QPS with appropriate procedures put in place, these challenges would be easily overcome.<sup>273</sup>

The positive outcomes seen in the evaluation of the 2021 trial in Southport and Coomera were mirrored in another trial between 2021 and 2022 at the Toowoomba police station.<sup>274</sup> A specialist worker from the Domestic Violence Action Centre (DVAC) was embedded in the police station for two days a week, which later increased to four days a week.

An evaluation of the trial in Toowoomba found many benefits including:

- positive engagement with the QPS for people experiencing domestic violence<sup>275</sup>
- a strengthened integrated response between police and DVAC workers including the provision of real time advice to QPS officers engaging with aggrieved persons on call outs
- improved QPS understanding of referral pathways and options for people affected by domestic and family violence<sup>276</sup>
- recognition by police of the general benefits of having a well-integrated response to law enforcement to support victim-survivors.

As with other trials, there was an initial lack of engagement by police with the DVAC worker at the start of the placement but this was rectified by presentations to improve awareness about the trial.<sup>277</sup>

Close relationships with one or two key officers also helped to establish the trial, and these officers' positive view and visible use of the worker meant others then made use of her assistance.<sup>278</sup>

There are significant benefits in embedding domestic violence advocates in police stations and the Commission makes a recommendation about embedded workers at the end of this chapter.

## CONCLUSION

Specialist resources and structures are an important part of the QPS response to domestic and family violence.

In most cases, the various specialist roles and units are over-worked and under-utilised. The capacity of these specialist resources should be extended to maximise their potential.

This will provide QPS members responding to domestic and family violence with more support and in turn improve the quality and consistency of the QPS response.

Coordination with other domestic and family violence agencies have demonstrated the potential to improve QPS responses and should continue to be explored and developed.

As the problem of domestic and family violence cannot be solved by any one organisation, greater coordination and cooperation across the agencies that respond and provide support to people experiencing domestic and family violence will benefit the community.

## FINDINGS

- Domestic and Family Violence Liaison Officers and Domestic and Family Violence Coordinators are important specialist roles with the potential to be an integral part of improving Queensland Police Service responses to domestic and family violence. These should be full-time positions with clear role descriptions.
- Domestic and Family Violence and Vulnerable Persons Units are an important part of the Queensland Police Service response to domestic and family violence, providing information and support to frontline officers responding to domestic and family violence. They should be established in all districts as a matter of priority, have an investigative function and have a 24 hour on call capability.
- Interagency teams, embedded workers and co-responder and co-location trials have improved the Queensland Police Service response to domestic and family violence. There is merit in the Queensland Police Service continuing to trial such initiatives.

## RECOMMENDATIONS

### Recommendation 6

Within six months, the Queensland Police Service establish permanent, full-time positions with designated position descriptions detailing the functional responsibilities for:

- Domestic Violence Liaison Officers where demand requires it
- Domestic and Family Violence Coordinators.

### Recommendation 7

Within 18 months, the Queensland Police Service establish a Domestic and Family Violence Vulnerable Persons Unit in each district, which, at a minimum, maintains a 24 hours per day, seven day on call response capability and includes High Risk Team members, Domestic and Family Violence Coordinators, detectives to investigate domestic and family violence occurrences, and, where practicable, domestic and family violence support workers from community organisations.

### Recommendation 8

Within six months, the Queensland Police Service evaluate the application of the approved sector-wide common risk assessment framework for internal use.

### Recommendation 9

Within 12 months, the Queensland Police Service formalise a trial of repeat calls for service partnerships across at least three districts based on the approach and learnings of the Logan model and at the conclusion of the trial, arrange an independent evaluation of the model to determine whether it is suitable for implementation in other districts across the state.

### Recommendation 10

Within 12 months, the Queensland Government support integrated approaches to domestic and family violence at a local level by:

- providing sufficient recurrent funding to establish embedded domestic and family violence support workers in police stations wherever domestic and family violence services are available
- requiring that this arrangement is formalised through written agreement between the Queensland Police Service and the domestic and family violence service provider/s.

## HUMAN RIGHTS CONSIDERATIONS

Improving the police response is essential to disrupting and preventing domestic and family violence. Creating and formalising specialist police roles, providing resources for DFVVPUs and embedding specialist workers in police stations will lead to a more holistic policing response to domestic and family violence, improve investigations and provide better responses to and support of victim-survivors.

Evaluating the application of the approved sector-wide common risk assessment framework will ensure that police are relying on the most reliable risk assessment, leading to greater protection of victim-survivors and better responses to domestic and family violence.

Importantly these measures will lead to a more holistic investigation, disruption and prevention of domestic and family violence, and help keep victim-survivors safe by engaging their rights of equality and recognition (s 15 HRA), protection of individuals and families (ss 17 and 26 HRA), right to life (s 16 HRA) liberty and security (s 29 HRA) and cultural rights (ss 27 and 28 HRA).

## 6 Recruitment, training and support

While specialist positions and units in the Queensland Police Service (QPS) are key to a strong response to domestic and family violence, all police have a statutory responsibility to act when a report of domestic and family violence is made to them.

To do this well, officers must have appropriate training in the dynamics of domestic and family violence, and the actions they are required to take in response to it. Procedures and systems also need to be in place to support an effective response, which make the role of police as simple as possible.

The Commission engaged the Nous Group to undertake QPS DFV-Q 2022, a survey of QPS members' views of the organisation's ability to respond to domestic and family violence. Among other things, the survey sought to understand whether the current training and support provided to the QPS membership is working well, and what needs improvement.

The Nous Group analysis of the responses provided by the 2,733 QPS members who completed the survey in July 2022 revealed 12 key themes, summarised in the table below. This shows that while QPS members have the desire and readiness to improve their responses to domestic and family violence, they feel they lack the capacity and resources to meet this challenge.

THEME	DESCRIPTION	EXAMPLE RESPONSE
1	Frontline officers feel pressure and scrutiny from the growing focus placed on domestic and family violence and the QPS	<i>"Back your staff, police especially frontline police are publicly ridiculed and used as the public forum punching bags too often. Frontline police feel they have no support from senior officers and are hung out to dry all too often for any mistake."</i>
2	QPS members don't feel they have the capacity or resources to meet increasing demands for service	<i>"When you are time and resource poor, you do a much less thorough job. The increased demand and inadequate resources makes our front line police time poor and stretched and under the increased demand pressure to keep going to the next urgent job. This creates an operating environment where shortcuts, rushing or inattention to detail will occur."</i>
3	Members believe their work on domestic and family violence contributes to burn out	<i>"Too much pressure on police to be perfect. We will never be perfect. Its [sic] unfair and we are burnt out dealing with this issue!"</i>
4	There is a desire and readiness to develop a more effective police response to domestic and family violence	<i>"At present GD crews are doing their very best to respond to DV incidents in a timely manner. I believe the culture of DV has changed over the 20 plus years I've been an operational officer and all aggrieved are listened to and taken seriously."</i>
5	The QPS' statements about the importance of addressing domestic and family violence are not matched by supportive actions and organisational arrangements	<i>"If Police are looking to get a promotion or are writing their resume generally DV jobs are not the ones you are looking to put in your resume. How about we put a little bit more emphasis on DV jobs and applications as being important in Police job applications/resumes and then you might get officers more interested in actually attending these jobs and doing them well."</i>

THEME	DESCRIPTION	EXAMPLE RESPONSE
6	Members have confidence in their own knowledge to deal with domestic and family violence matters effectively, and a desire to continue to learn	<i>"Vulnerable persons training and personnel including support services offers options for attending police. I feel there is sufficient training for officers who work in this area to manage DV. I feel biases of police officers towards DV and vulnerable victim-survivors has diminished due to this training."</i>
7	QPS efforts to support members in their domestic and family violence work have not always realised intended benefits	<i>"OLPs [Online Learning Products] do not cut the mustard. I have spoken to many officers who've reported not getting any learning experiences out of OLPs."</i>
8	Explaining the importance of domestic and family violence policing responses is required to help members better appreciate their roles and processes	<i>"It's getting too confusing with all the terms and now Police are becoming quasi social workers and psychologists. On top of dealing with mental health call outs Police are not dealing with crime but social issues."</i>
9	Good work in domestic and family violence delivers different outcomes which are not recognised and regarded as highly as other police priorities	<i>"Although police attend and conduct the necessary DFV investigations, resulting in whatever outcome, if the aggrieved does not want to make a complaint which is probably 95% of the time due to the conflicting nature with the respondent, he will not be criminally charged on this occasion."</i>
10	There is a need for strong messaging, transparent communication, and follow-through from leaders	<i>"Senior managers continuously throwing junior officers under the bus when a DV complaint is made. This is totally counter productive. DV complaints will happen... This is the nature of the job. There's no need to throw junior officers under the bus all the time."</i>
11	Members would value closer relationships with partner agencies and services, especially after hours	<i>"QPS is the only agency responding 24/7 and the support that is required is not available after hours from housing to assisting with children involved. Every agency is the first to criticise and point the blame at the QPS but the QPS is doing the best it can in what feels like a losing battle."</i>
12	There is need for practical and timely advice and support from those with specialist domestic and family violence knowledge	<i>"I would suggest that given there is a unit in CIB specifically for investigating property crime there should probably be a similar unit for DV matters that enter into the more serious realms of stalking, financial abuse and assaults. One or two DVLO's in an area isn't nearly enough."</i>

Figure 19: Summary of key themes identified in the QPS DFV-Q Findings Report<sup>279</sup>



Other evidence before the Commission shows that officers often feel ill-equipped to respond to domestic and family violence. In a 2021 Longitudinal Study of First Year Constables in the QPS, officers described responding to domestic and family violence as the most complex of their tasks.<sup>280</sup> In that study, the First Year Constables described feeling overwhelmed and underprepared to respond. One First Year Constable reported:

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**[i]t's a running joke, basically, that no one ever feels ready to hit the ground. No one ever feels like the Academy taught them enough to be a police officer.<sup>281</sup>**

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The recruits who did feel prepared and ready largely nominated their previous professional and life experience as the reason for that readiness.<sup>282</sup>

To respond effectively to domestic and family violence, the QPS needs a workforce that reflects the diversity of Queensland, and is comprised of officers who are appropriately trained and supported to do their job.

The Commission examined the current recruitment practices and training, including domestic and family violence training provided to recruits, First Year Constables and general duties officers. It also examined the supports provided to officers to respond to domestic and family violence.

## RECRUITMENT

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QPS recruits are typically male (76%) and identify as non-Indigenous.<sup>283</sup> While the QPS has a Diversity and Inclusion statement,<sup>284</sup> evidence has shown that cultural diversity is not sufficiently encouraged or supported in the workforce, with some QPS members reporting they have not felt culturally safe when working in the QPS (considered further in Part 4 of this Report).

Candidates who wish to join the QPS must first take a cognitive test<sup>285</sup> before undergoing a vetting process.<sup>286</sup> This is followed by physical, medical and psychological testing and an interview which focuses on the applicant's reasons for joining the QPS and how their personal values align with QPS values.

In July 2022, the QPS lowered the minimum age at which an applicant can apply to be a recruit from 18 years to 17 years old.<sup>287</sup> Seventeen year old applicants cannot commence at the Academy until they are 18 years of age. The change was in response to difficulties recruiting enough officers because of record low rates of unemployment in Australia.<sup>288</sup>

When asked about this policy change, Acting Assistant Commissioner Mark Kelly from the People Capability Command told the Commission that recruiting young people can be advantageous as:

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**[t]hey generally don't have biases. They can be taught new processes and they can come from diverse backgrounds. They can be people who have come from backgrounds of domestic and family violence themselves.<sup>289</sup>**

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The QPS previously had a program designed for applicants as young as 16 years through a cadet program. The *Report of a Commission of Inquiry pursuant to orders in council* (1989) (the Fitzgerald Report) found that the relative youth and inexperience of cadets, who came straight from the classroom meant that they were not prepared for the “*unpleasant aspects of policing*” and that recruits with more maturity, education or work experience beyond high school had a “*better grounding for police work*.”<sup>290</sup> There was also a concern about the influence of older, jaded and, in the Fitzgerald era, corrupt officers on very young officers. Accordingly, the Fitzgerald Report included a recommendation that the QPS stop recruiting people who had just left school.

Given the extent of the cultural issues identified by the Commission, there is a similar risk that younger recruits might be influenced by the views and attitudes of their senior officers. This is compounded by the culture of fear and silence that prevents officers from speaking out or raising concerns about problematic behaviour by other police.

Professor Heather Douglas, from the Melbourne Law School at the University of Melbourne, told the Commission that improvement in the police response to domestic and family violence is “*not assisted by bringing in very young people into the Police Service, especially given the complex social problems that police are routinely called to deal with*.”<sup>291</sup> With reference to the recommendations made in the Fitzgerald Report, Professor Douglas noted that responses will not improve by “*going backwards in terms of recruitment to uneducated police officers*.”<sup>292</sup>

Professor Douglas said that if younger people are recruited to join the QPS, it would be necessary to carefully consider the stations where First Year Constables are placed to ensure they receive appropriate mentoring and support by officers who are trained to do so.<sup>293</sup>

When Professor Douglas was questioned at a Commission hearing by counsel for the QPS, she said there are problems associated with placing young recruits straight out of school into complex domestic and family violence situations.<sup>294</sup> She suggested that a recruitment strategy that emphasised that a substantial proportion of police work involves assisting victim-survivors of domestic and family violence may help to attract candidates from human services and behavioural sciences backgrounds. Such a strategy would also give recruits a full appreciation of the realities and practicalities of policing domestic and family violence, which the Commission heard is often lacking.<sup>295</sup>

Counsel for the QPS also suggested that younger recruits may be able to pursue further study during their career as police. Professor Douglas agreed that tertiary study would at least expose younger recruits to a wider circle of influence outside the QPS.

The Commission notes that current QPS recruiting material seeks to increase the gender and cultural diversity of the QPS membership.<sup>296</sup> Further, the QPS has previously attempted to increase the number of female recruits through initiatives such as a 50/50 gender equity recruitment strategy. In May 2021, the Crime and Corruption Commission released a report into the strategy which, among other things, recommended that the QPS “*engage the Queensland Human Rights Commission about the need to increase diversity in the QPS, and develop and implement appropriate strategies to address this*.”<sup>297</sup>

The current recruitment strategy of the QPS needs to be strengthened to ensure the QPS attracts applicants who will be best placed to respond effectively to domestic and family violence. Accordingly, the Commission makes a recommendation in relation to recruitment strategies at the end of this chapter.

## FIRST YEAR CONSTABLE PROGRAM

The Recruit Training Program is designed to equip recruits with the necessary theoretical knowledge and skills to perform their duties as a police officer and, relevantly to this Report, appropriately respond to domestic and family violence.

When recruits graduate from the Academy, they enter the First Year Constable Program, where each new Constable works with a more experienced officer (a Field Training Officer). This is intended to ensure that their theoretical knowledge is applied correctly in practice.<sup>298</sup> The 2021 Longitudinal Study of First Year Constables noted that:

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**First Year Constables describe the role of the Field Training Officer as pivotal not only to their development, but also to their feelings about the job, the degree to which they feel they belong, their physical and psychological safety and their confidence.<sup>299</sup>**

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The program is split into four phases to ensure that the experience and skills that a First Year Constable learns on the job are developing adequately during the year.<sup>300</sup> Further training is also provided to First Year Constables in the first and second phases of the program, with a requirement that work samples are provided as evidence of their competence before they move from the probationary program at the end of 12 months.<sup>301</sup>

Studies on leadership within the QPS showed that the First Year Constable Program focused almost exclusively on technical and operational capability development, and relied heavily on the Field Training Officer's capability, experience and motivation.<sup>302</sup> The study also revealed there was "little if any" focus on leadership development of First Year Constables.<sup>303</sup>

The importance of the role of a Field Training Officer cannot be understated. When Sergeant Paul Trinder gave evidence at a Commission hearing about a Field Training Officer shirking his duty by avoiding taking out a Protection Order application and lying to his shift supervisor about it,<sup>304</sup> the incident provided a stark example of how easily a young officer can be shown bad practices by lazy and inept senior officers.

No amount of training at the Academy is likely to counter this type of influence. The community should be confident that the officer appointed as a Field Training Officer is able to guide and mentor the First Year Constable to become a police officer with adequate skills, sound ethics and an enthusiastic and empathetic attitude. The importance of the role was underscored by the Fitzgerald Report:

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**It is essential that revised standards of training that stress integrity and the proper use of police discretion are reinforced during initial placement periods at training stations.**

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**Practices learnt and experience gained during the first few months on the job are a powerful influence on the development of new recruits and their future attitudes towards policing and the community...**

**The best supervisors in the Force, with demonstrated integrity and commitment to the principles of reform, should be made available to closely direct and coach new recruits at training stations. This needs to be a full-time task given top priority and supported by regular contact with the inspectorate to ensure acceptable standards of performance, and individual development are achieved.<sup>305</sup>**

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Currently, the QPS is not consistently achieving the high standard needed for this mentorship and envisaged by the Fitzgerald Report. Field Training Officers undergo a two-day course to become accredited.<sup>306</sup> This training is designed to develop their leadership skills and ability to make a positive impact on First Year Constables.

The Commission was advised that there are QPS Guidelines for the selection of suitable Field Training Officers to ensure the officers appointed are qualified and experienced.<sup>307</sup> However, it is clear these Guidelines are not always properly applied. During its hearings, the Commission heard from a Constable based in Townsville who graduated from the Academy on 25 May 2020, had completed the First Year Constable Program and was already a Field Training Officer.<sup>308</sup> The Commission heard of another instance in which an officer was approached to undertake Field Training Officer training three days after completing the First Year Constable Program.<sup>309</sup>

While some consideration must be given to operational needs in regional areas, there are disparities in the way the First Year Constable Program is delivered. For example, in Mount Isa, a First Year Constable is teamed with one Field Training Officer for one month, before they are rotated to another Field Training Officer.<sup>310</sup> After the first two months the only requirement is that they are on duty at least 50% of the time with a Field Training Officer.<sup>311</sup> This is compared to the more careful approach in Logan where Field Training Officers are paired with First Year Constables with compatible personalities to ensure the best learning environment possible.<sup>312</sup>

A Field Training Officer has a substantial impact on a new recruit's professional development and attitudes. It is essential that they are experienced and suitable for this role. The Commission makes a recommendation about Field Training Officers at the end of this chapter.

## TRAINING

Many police told the Commission that the current training provided by the QPS is inadequate and that they do not feel they are equipped to respond to domestic and family violence related calls for service to the best of their ability. Officers reported that:

- it had been a long time since they had received face-to-face training<sup>313</sup>
- online training is not effective<sup>314</sup>

- officers are not given time to properly engage with the training<sup>315</sup>
- many officers share the answers to the Online Learning Product questions to save time and there is a 'cheat sheet' at stations for officers to use to input the correct answers<sup>316</sup>
- they learn better when they can test their knowledge and ask questions in a class environment.<sup>317</sup>

The Commission heard from many academics and community organisations who reported that there was a general lack of understanding among police of the control tactics employed by perpetrators of domestic and family violence.<sup>318</sup>

This was particularly the case where there was non-physical abuse<sup>319</sup> or during periods of relationship separation.<sup>320</sup> The Commission heard from Professor Douglas, and Betty Taylor (from the Red Rose Foundation), that:

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**[Some police do not understand] ...that part of the dynamic of DFV is that women have often been threatened with many actions should they leave, they often know leaving at that moment may be more dangerous for them or their children than staying and they may be concerned about their children and what will happen to them if they leave, they may also be concerned about their financial or housing circumstances or their visa status.<sup>321</sup>**

**[There can be implicit bias amongst police] ... around stereotyped expectations about victims and...assumptions about perpetrators.<sup>322</sup>**

**There is a misconception both within QPS and the wider community that non-physical abuse is less serious.<sup>323</sup>**

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Training delivered by people with lived experience of domestic and family violence would assist police to develop a greater understanding of domestic and family violence and its impacts. Acting Assistant Commissioner Mark Kelly confirmed that, as at July 2022, no presenters with a lived experience of domestic and family violence attend the Academy to speak to recruits about their personal experience.<sup>324</sup>

The QPS previously had an arrangement with the Brisbane Domestic Violence Service (BDVS) and other organisations for victim-survivors to attend the Academy to give recruits an opportunity to see domestic and family violence through the lens of a victim-survivor, to ask questions, and challenge their preconceptions about domestic and family violence.<sup>325</sup>

This arrangement ceased around the time of the COVID-19 pandemic and has not recommenced,<sup>326</sup> despite presenters telling the Commission that engaging with the recruits had been worthwhile.<sup>327</sup> However, on 27 October 2022, the QPS advised the Commission that a not for profit domestic and family violence organisation has been engaged to provide lived experience training to recruits, commencing on 10 November 2022.<sup>328</sup>

Whilst the pandemic undoubtedly caused difficulties with face-to-face training, nonetheless many businesses managed to continue to engage trainers remotely during

the pandemic and training has been resumed for some time now at the Academy. It is unsatisfactory that the QPS has not sought to continue with this important aspect of training until only very recently and it is important the efforts made toward incorporating this aspect of training continue and extend to training provided beyond the Academy. The Commission makes a recommendation about training at the end of this chapter.

In submissions about the QPS response to domestic and family violence, academics and community organisations also reported that, from their experience, police sometimes had a poor understanding of, and therefore need for training regarding:

- the operation and intent of the *Domestic and Family Violence Protection Act 2012* (DFVPA) which differentiates between acts of violence designed to create fear, and those that are defensive or reactive in nature<sup>329</sup>
- cultural relationships and community dynamics which can result in police disengagement and an unwillingness to intervene<sup>330</sup>
- resistive violence and related issues, leading to police misidentifying the person most in need of protection<sup>331</sup> particularly for First Nations women.<sup>332</sup> This also has significant implications for victim-survivors from culturally and linguistically diverse backgrounds<sup>333</sup>
- the specialist domestic and family violence support sector within the QPS.<sup>334</sup>

The need for training improvements have been identified in numerous previous reviews and reports, including:

- **2015:** the Special Taskforce on Domestic and Family Violence (2015), which recommended that the QPS facilitate an external, independent audit and review of training packages to assess the appropriateness and frequency of compulsory professional development opportunities relevant to domestic and family violence.<sup>335</sup>
- **2015:** the State Coroner recommended the extension of the above recommendation of the Special Taskforce to all staff within the QPS likely to have contact with domestic and family violence situations, irrespective of whether they are administrative or sworn officers.<sup>336</sup>
- **2017:** the Domestic and Family Violence Death Review and Advisory Board recommended the QPS continue to develop training targeted at first responding officers to domestic and family violence related occurrences, with a focus on the risk indicators and broader dynamics of domestic and family violence.<sup>337</sup>
- **2017:** the Central Queensland University Evaluation of QPS Training made several recommendations including the development of a state-wide domestic and family violence education and training framework, with mandatory annual refresher training,<sup>338</sup> use of external speakers from support agencies,<sup>339</sup> training to improve communication and interpersonal skills<sup>340</sup> and training in domestic and family violence dynamics.<sup>341</sup>
- **2019:** the QPS Domestic and Family Violence Culture Review recommended effective role/rank specific process/procedural training<sup>342</sup> and training to take account of differences in the levels and prevalence of domestic and family violence in regional and remote areas.<sup>343</sup>

- **2021:** the Women’s Safety and Justice Taskforce recommended the QPS continue to develop and deliver ongoing evidence-based and trauma-informed domestic and family violence and coercive control training and education to all levels of the service.<sup>344</sup>
- **2021:** the Women’s Safety and Justice Taskforce also recommended regular specialist training for police prosecutors, and training on the nature and impact of domestic and family violence, relevant legislation, local support services and pathways for referrals.<sup>345</sup>

In 2022, Deputy State Coroner Jane Bentley handed down findings in relation to two separate domestic and family violence related homicides: the death of Doreen Langham<sup>346</sup> and the deaths of Hannah Clarke and her children, Aaliyah Baxter, Laianah Baxter and Trey Baxter.<sup>347</sup>

In both cases, findings outlined that police officers were under-trained in relation to domestic and family violence

and that immediate comprehensive training was urgently required to bring all police up to date with amendments in domestic violence legislation and relevant research, and that annual refresher training was required.

Deputy State Coroner Bentley’s conclusions recognised that the COVID-19 pandemic greatly impacted QPS training and staffing around the time of Ms Langham’s death. Her Honour also acknowledged that a multi-disciplinary approach to domestic and family violence is required, and police cannot be expected to be trained in social work, psychology or as lawyers.<sup>348</sup>

The following diagram summarises the training provided to QPS members on domestic and family violence. Training is mandatory in the Recruit Training Program and as a First Year Constable, but any subsequent specialised domestic and family violence training is largely voluntary.



Figure 20: Domestic and family violence training provided to QPS members<sup>349</sup>



While the QPS does provide training for domestic and family violence much of this occurs at a very early stage in a police officer's career. In his statement to the Commission, Acting Assistant Commissioner Kelly described a review and current rewrite of the recruit training curriculum which commenced in 2021 and will expand domestic and family violence related training for recruits from nine days to 19 days.<sup>350</sup>

## TRAINING PROVIDED AFTER THE ACADEMY

On 8 June 2022, QPS members attended the Commission's office to explain the training that will be provided by the QPS to its officers. During this meeting, the Commission was told that there was an upcoming three day training pilot, called Domestic and Family Violence: The Holistic Approach, which focused on:

- domestic and family violence investigations
- coercive control
- the DV-PAF<sup>351</sup> and risk assessment
- the impact of culture on domestic and family violence policing responses.

The training was independently evaluated by Dr Peter Ninnies from the Australian National Research Organisation on Women's Safety (ANROWS),<sup>352</sup> who identified that a stronger emphasis on the gendered nature of domestic and family violence was needed:

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**Although gender inequality is widely acknowledged as a main driver of domestic and family violence, the training materials provided do not address this issue nor the impact of sexism and misogyny on how women in the QPS, DFV advocates and women victims and survivors are viewed and treated by other officers, and how this impacts QPS responses to DFV call outs... the course materials appear to skirt around the issue.<sup>353</sup>**

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It is unknown if the QPS adopted the suggested changes to the course, however, it is now being progressively made available to all police officers.

Investing in training takes time, it takes officers off the road, and it requires continued reinforcement to be effective. The practicalities of training police were highlighted by Mr Ian Leavers, President of the QPUE, who said *"for every day training that's 12,500 shifts lost."*<sup>354</sup>

Officers also need sufficient time to complete training for it to be effective. Training offered by way of Online Learning Products is often conducted in between jobs. The Commission heard of stations where answer books were shared between officers. Rushed training is unlikely to be useful in building knowledge and skills. Mr Leavers described the deficiencies in training delivered by Online Learning Products in the following way:

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**You can do an online learning product... They do half an hour, they go out to a job, they go back and do a bit more. It's not meaningful training.<sup>355</sup>**

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The lack of consistency in training was a concern noted by Professor Heather Douglas who recommended that all police need regular training about coercive control and controlling behaviour, as well as the myths and misunderstandings surrounding domestic and family violence.<sup>356</sup> When asked what constituted 'regular' training, Professor Douglas referred to research which suggests refresher training every eight months is beneficial, though she noted it may not be possible for QPS officers to be trained that frequently.<sup>357</sup>

Similar concerns were raised by Professor Silke Meyer, who noted that *"police upskilling in domestic and family violence informed practice is critical and should be supported through initial, regular and ongoing professional development."*<sup>358</sup>

The Commission accepts there are clear practical difficulties when considering how to best implement consistent and effective training across the entirety of the QPS. However, a sustained investment in this training is essential given the significant pressures the QPS faces in responding to domestic and family violence.

A recommendation was made by Deputy State Coroner Jane Bentley that police receive mandatory, annual, face to face training on domestic and family violence.<sup>359</sup> During evidence to the Commission, both Assistant Commissioner Codd and Acting Assistant Commissioner Kelly agreed that annual training would be beneficial to QPS members. Assistant Commissioner Codd noted that *"...at the bare minimum there needs to be an across-the-board whole-of-service annual update."*<sup>360</sup> Acting Assistant Commissioner Kelly stated *"we'll need to do more training...it will have to be annual training."*<sup>361</sup>

The Commission heard from an experienced Officer in Charge of a busy station that having senior officers regularly meet with and review the body worn camera footage of more junior officers to give constructive feedback is a useful teaching tool.<sup>362</sup>

Receiving feedback is an integral part of both training and consistent upskilling. It is likely that ongoing one-on-one training of this kind would assist police officers to embed their domestic and family violence training, and demonstrate to both the officer and their supervisor that the officer has not only built the knowledge, but can put it into practice in the field. The Commission makes a recommendation to this effect at the end of this chapter.

## GAPS IN THE CURRENT DOMESTIC AND FAMILY VIOLENCE TRAINING

The Commission heard, from victim-survivors and community organisations, of many occasions when police had failed to take appropriate action to commence proceedings for Protection Orders and criminal charges.

The Commission also heard from police prosecutors who had seen instances where police officers had failed to take appropriate action. On some occasions when police fail to take out a Protection Order application or lay criminal charges, the failure to act appears to be a result of a lack of understanding of the law and evidentiary requirements for the relevant proceedings. At times police officers do not commence proceedings for Protection Orders or criminal charges unless there is evidence in addition to the testimony of the person affected by domestic and family violence to support the proceedings.<sup>363</sup>



Importantly, additional evidence beyond that person's testimony is not necessary for the making of a Protection Order application, nor, necessarily, a barrier to the success of the application. It is concerning that Protection Order applications are not, in some cases, made when they should be because of a lack of understanding of the law.

On some occasions, police officers fail to commence criminal proceedings associated with a domestic and family violence related occurrence. This can be because they have asked a complainant, at the scene of an incident, whether they wished to make a criminal complaint without encouraging them, or explaining the process to them.<sup>364</sup> On occasions, criminal charges are not pursued because a victim-survivor is not willing to make a complaint, despite there being grounds to lay a charge without their complaint.<sup>365</sup> In such cases, it is clear that the lack of action is a result of a lack of legal understanding on the part of the police officer.

In some cases, police officers rush through taking information from a person impacted by domestic and family violence at the scene rather than seeking to understand the whole story in a trauma-informed way.<sup>366</sup> In others, police officers lack basic skills about the information required for court documents. Either scenario can result in:

- Protection Order applications that do not provide sufficient information to establish why it is necessary and desirable that an order be made<sup>367</sup>
- bail affidavits that lack important information<sup>368</sup>
- bail objections lacking in important information such as the strength of the evidence<sup>369</sup>
- breach files with insufficient information about the nature and seriousness of the breach.<sup>370</sup>

This lack of basic knowledge not only undermines the proceedings but may also place a person experiencing violence at increased risk from a perpetrator.

In some cases, breach proceedings are not commenced because they involve breaches that police consider trivial, despite the complainant wanting to proceed.<sup>371</sup> These occurrences suggest a lack of understanding about how perpetrators maintain and build control in a relationship, and the risks posed by these actions which might appear to be minor when viewed in isolation. It is concerning that police officers might not always charge breaches where there is evidence to do so, in circumstances where failing to act may embolden the perpetrator and expose the victim-survivor to further harm. This will be a particular challenge with the planned introduction of an offence of coercive control in Queensland.

In some cases, police officers also fail to seek appropriate conditions on Protection Order applications,<sup>372</sup> or fail to name children on an application because they do not understand that witnessing the violence is sufficient to warrant them being protected, even if they were not physically harmed.<sup>373</sup> When this occurs, children who ought to be protected by Protection Orders do not receive the protection they deserve.

The Commission also heard that police officers sometimes do not use interpreters,<sup>374</sup> or do not use appropriate techniques to take evidence from young people,<sup>375</sup> or people with a disability.<sup>376</sup> The failure of police officers to employ these fairly basic skills plainly contributes to a risk that action which ought to be taken may not be.

Training about the law and basic interviewing techniques and skills is important to improving QPS responses to domestic and family violence. The Commission, having heard of occasions where a failure to act appears to be a result of a lack of training or basic understanding of the law or interviewing skills, considers that the QPS must review its training for police officers in these areas. A recommendation to this effect is made at the end of this chapter.

The Commission received a submission from the QPUE advocating for the introduction of a criminal offence of 'commit domestic violence'.<sup>377</sup> The QPUE noted that without this offence, "...the initial protection, and proceedings, remain civil in nature. This is a largely unfamiliar area for most police and does not sit comfortably with traditional police training."<sup>378</sup> Mr Leavers, President of the QPUE, said that the offence would allow for protection of a victim-survivor by the imposition of bail conditions prohibiting contact, which could be ordered by the court to continue even if the criminal offence was dismissed.<sup>379</sup>

However, there are several difficulties associated with the proposed offence, including that the protection described by Mr Leavers can already be achieved through Protection Orders. The application for a Protection Order is assessed against the lower, civil standard of proof. If police are currently unable to meet the civil standard of proof in court, they will not be able to achieve the higher standard required for a criminal offence. The remedy for QPS members who lack familiarity with civil proceedings is training, not the creation of a criminal offence which is harder to prove. Further, the criminalisation of domestic and family violence in this way could have the unintended consequence of further over-policing of First Nations peoples. The QPS did not support the creation of this offence, noting that it could lead to over-criminalisation.<sup>380</sup>

## **SPECIALIST FIVE DAY DOMESTIC AND FAMILY VIOLENCE TRAINING**

The QPS introduced a five day specialist domestic and family violence training course in 2017. The targeted participants included Domestic and Family Violence Liaison Officers and investigators, prosecutors and those working in the vulnerable persons unit, and criminal investigation and child protection units.<sup>381</sup> The course was not mandatory and there was a prerequisite that participants must have a foundational knowledge of the role of a DFVC.<sup>382</sup>

The course was intended to provide participants with the knowledge and skills that allow DFVCs to identify gaps in a domestic and family violence investigation. The information provided was beyond that given to a general duties officer and some of the key learning areas taught during the course included dynamics of abuse, risk factors and assessments, investigations techniques, the role of DFVCs, DVLOs and other specialist roles, vulnerable victim-survivors and prosecutions.<sup>383</sup>

There is clear merit in this training. Increased and improved knowledge in those key learning areas will greatly assist officers in their response to domestic and family violence.

Although the course was developed in response to the recommendations made by the Special Taskforce on Domestic and Family Violence (2015) and only commenced in 2017, it was last delivered in 2019.<sup>384</sup>

The specialist course is currently undergoing redevelopment and eight of the twelve learning outcomes of the former five day course have been included in the Holistic Approach Training.<sup>385</sup>

The QPS has indicated it intends to develop an updated Domestic and Family Violence Specialist Course for delivery in the 2022-23 training curriculum.<sup>386</sup>

The target group for the updated course is the same as those for the five day course and it is not mandatory for those in specialist roles.<sup>387</sup> Acting Assistant Commissioner Mark Kelly informed the Commission it was intended the course would be completed by 100 members in the first year and the training will continue to other members in the following years.<sup>388</sup>

It is unsatisfactory that such critically important training is not mandatory for those who undertake specialist domestic and family violence roles. The Commission makes a recommendation that this or similar training should be mandatory to those in specialist roles.

## SUPPORTING EFFECTIVE RESPONSES

While training is critical to improve QPS members' understanding of domestic and family violence and how they are required to respond, this also needs to be supported by clear procedural guidance and easy to use systems.

The Operational Procedures Manual (OPM) which provides guidance to officers about their legislative and procedural obligations is not clear, accessible, or fit for purpose. Police must also refer to other information, such as Commissioner's Directions, to guide their decision making, making it difficult for officers to quickly source the information they need to do the job effectively.

For example, the current OPM indicates a QPS member can finalise a domestic and family violence call for service as 'DV – other' when domestic and family violence has occurred but not appropriate to apply for a Protection Order. The OPM provides further examples of circumstances where it would not be appropriate to apply for a Protection Order, including when the victim-survivor is not in fear of the perpetrator.<sup>389</sup> This is problematic given the significant issues previously identified with the way police assess and understand risk within the context of domestic and family violence, including assessments of a victim-survivor's sense of fear. This is further complicated for victim-survivors who may feel that it is not safe to discuss their experiences of violence with police, and for First Nations peoples and people from a culturally and linguistically diverse background who may also have a genuine fear of engaging with police.

This is a clear deficiency in the OPM, as reliance on a perception of the absence of fear can result in police officers not taking the necessary steps for protection. A recent intelligence assessment completed in the Mt Isa District identified that reliance on the OPM in its current form to finalise domestic and family violence related calls for service as 'DV-Other Action' without accommodating cultural differences is highly likely to continue to produce inconsistent outcomes for victim-survivors who require protection.<sup>390</sup> To better take into account these issues, the intelligence assessment recommended that the current OPMs be amended, to "ensure 'a person's fear of domestic violence' and 'a person's experience of domestic violence' are addressed, with the latter acting as a safeguard for cultural differences."<sup>391</sup>

In the Commission's view, it would be valuable for the QPS to consult with officers who regularly refer to the OPM to ensure that, as it relates to domestic and family violence, it achieves its purpose.

On 24 June 2022, the Commission was advised that a manual to "provide a singular repository of domestic and family violence information predominantly for frontline officers to access" was nearing completion, and was in the final stages of editing, before being produced and made available to QPS personnel (the Manual).<sup>392</sup>

A draft copy of the Manual was provided to the Commission. The Commission reviewed it and observed there were some obvious gaps in its content, that it was voluminous and unwieldy and contained a statement at the beginning of it which suggested that it should be read in conjunction with the legislation, OPM and virtually any other document or instruction relevant to domestic and family violence.<sup>393</sup>

On 11 July 2022 Assistant Commissioner Codd gave evidence and stated the "content is all but done"<sup>394</sup> and that the remainder of the work to be done was "more editorial than content."<sup>395</sup> At the same hearing, the Commission raised various issues with the Manual with Assistant Commissioner Codd, including that:

- in its current state it would add to the burden of frontline officers<sup>396</sup>
- the Manual failed to refer to domestic and family violence being a gendered issue<sup>397</sup>
- it did not provide sufficient practical assistance about when interviews should be conducted or criminal charges should be investigated.

Assistant Commissioner Codd also acknowledged the development of the Manual was reflective of the Command's lack of resourcing and the difficulty of balancing short-term benefits to the frontline against "investment in strategy and processes and procedures that we know will help us in the longer term."<sup>398</sup> This conflict, and the desire to produce the Manual quickly, rather than ensuring it would be a useful document in the long-term, was evident.

Assistant Commissioner Codd was asked to comment at the hearing on whether the Manual should acknowledge domestic and family violence as a gendered issue. He said:

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**I certainly think that's an important enough issue that it should find its way into this tool... that's an important enough issue. It shouldn't have been missed.**<sup>399</sup>

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On 28 July 2022 at a hearing, Professor Douglas was asked to comment on whether the lack of reference to domestic and family violence being a gendered issue was a significant omission. She said:

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**I would have thought, given the statistics on domestic and family violence...a woman is probably the greatest risk of experiencing domestic and family violence. Obviously there are many others but, if we look at who is most likely to experience it, it is women.**<sup>400</sup>

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On 4 August 2022, Assistant Commissioner Codd was recalled to give evidence and was asked about the progress of the domestic and family violence Manual. He gave evidence that it had not been completed and was unlikely to be completed before the Commission completed its inquiry due to current resource allocation,<sup>401</sup> and that areas of deficiency brought to the QPS's attention by the Commission were to be reviewed with a "hell of a lot more scrutiny."<sup>402</sup>

The Commission spoke with members of the Command and was told a single Senior Sergeant and their administrative officer were tasked to draft the Manual. This is another example of the under-resourcing of the Command, particularly given the scale and importance of the Manual, and the timeframes for its completion.<sup>403</sup>

It is unsatisfactory that the QPS does not have a manual to provide to its members which is fit for purpose and assists them in their responses to domestic and family violence and the Commission encourages the ongoing development of the Manual and suggests it be done in consultation with frontline officers to ensure it is useful in the field. In addition to the Manual, the QPS should also provide officers with a pocket-sized checklist of the crucial steps that must be taken when they arrive at a domestic and family violence incident to ensure they have immediate access to information and to minimise the risk of steps being missed. The Commission makes recommendations to this effect at the end of this chapter.

The Commission observed an anomaly in the operation of the *Domestic and Family Violence Protection Act 2012* which has the potential to leave victim-survivors unprotected. Section 113 of the Act has the effect that if, in a busy callover, a Magistrate does not make a Temporary Protection Order when a Police Protection Notice (PPN) comes before the Court, the PPN will cease to operate, leaving a victim-survivor unprotected in the period between then and the adjourned proceedings. In the Commission's view, this situation can be easily rectified by legislative amendment and a recommendation to that effect is made at the end of this chapter.

## STREAMLINING ADMINISTRATIVE TASKS

In a recent study conducted by the QPS, First Year Constables described responding to domestic and family violence and the associated administrative requirements as the most complex of their tasks.<sup>404</sup> In the same study, officers said QPS databases such as QPRIME were not intuitive, and even after being in the field for over two months, they still struggled to understand what content was required in various reports. The Longitudinal Study of 2021 Recruits found:

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**Two thirds of First Year Constables nominated reporting and paperwork as their greatest challenge, particularly not knowing what information goes in what system, what the overall purpose of each system is and how each system operates.<sup>405</sup>**

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Other officers told the Commission that they feel that new initiatives result in them undertaking more processes, further paperwork, and their job ultimately becoming more

difficult.<sup>406</sup> Acting Senior Sergeant Danny Haberland, who is the Officer in Charge of the Yarrabah police station, told the Commission that:

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**In my experience, and anecdotally, the changes are received by police as being to the detriment of front-line officers which make their job harder, with no apparent benefit to the aggrieved... most general duties police officers that I have interacted with feel immense pressure and stress when investigating DV which stems from the overly complex procedures that police officers are required to comply with.<sup>407</sup>**

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Respondents to the QPS DFV-Q 2022 survey provided the following feedback about the administrative tasks involved in undertaking their work:

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**The red tape around reporting is absurd, it's no wonder there is 'DV fatigue'. The scrutiny is horrendous and causes so much pressure on frontline police that many can't handle it. There are loads of members on long term sick leave because of it.**

**Way too much red tape with reporting requirements, checking PAFs, approvals from DDO then reviews task sent. Community complains police are not doing anything with crime its because they are at some repeat CFS DV they need to write war and peace about to cover them if something goes wrong. Simplify the DV reporting process to have more time on the road.**

**Cut the red tape, make processes with less duplicities, place the blame on the offenders who perpetrate the DV rather than the Police responding. We do the best we can with what's provided to us but it's not fair to be held accountable for other peoples actions we have no control over.**

**There is so much red tape because it is a civil matter. Police are trusted with a gun but need a witness to sign statements of service - aren't we trusted. The document service process needs to be simplified, again because its civil the processes are onerous on our resources.**

**CUT THE RED TAPE and CUT THE PAPERWORK. Police are completely burnt out, loath attending DV's and probably aren't doing their best job responding because of the red tape. The process is too long.**

**I can arrest, charge, deprive someone of their liberties but to tell some bloke to stop bashing his missus I need a sergeant's authorisation. The**

sergeants and senior sergeants deal with so many PPN requests their approval is almost automatic and so largely redundant.

There is currently so much paperwork, red tape, scrutiny involved with DV that when you combine that with the sheer volume of DV we are attending, officers are becoming more and more burnt out and less and less empathetic.

Electronic service of paperwork, it is 2022.<sup>408</sup>

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The Commission heard many examples of duplication in processes that was unnecessarily burdensome. For example, there is overlap in the work required to produce police documents, such as a PPN, DV Application and DV Application to Vary, and many of them serve the same function.

While they were intended to make it easier for officers to respond to domestic and family violence, PPNs also require approval of a person of at least the rank of Sergeant or Senior Sergeant, depending on the conditions included. In remote areas it can be difficult to obtain approval for a PPN. Applications for a Protection Order have no such requirement.

A hearing for the application of a Protection Order must occur no more than 28 days after a PPN is issued by a police officer.<sup>409</sup> In this time, an officer must compile the paperwork and evidence necessary for the hearing. This short timeframe adds to the extra burden and time pressures associated with responding to domestic and family violence.

The convoluted and complicated nature of the processes and paperwork around domestic and family violence were discussed at a hearing by Assistant Commissioner Codd. He said:

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We are very, very keen on examining all measures that can streamline or make more efficient some of the incredibly burdensome administrative components of responding to DFV that our officers tell us impacts on their time to do as good a job as they want to.<sup>410</sup>

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While the Command is aware of the issue and has attempted to influence changes, they have been impeded by “legislative and policy requirements that we don’t control.”<sup>411</sup> An example of this is that, at present, police must at times file physical copies of domestic and family violence applications in the Magistrates Court. Rather than an ability to instantly file an application electronically, police officers must take time out of their shift to drive to a courthouse and file the documents in person.

There is some scope to streamline processes. Currently, the QPS estimates that ‘paperwork’ and other related administrative tasks to be completed after attendance at a scene, where no criminal investigation is commenced, take three hours to finalise and involve the following:<sup>412</sup>

- basic occurrence creation (20 minutes)
- updating custody reports and location search reports (20 minutes)

- completing a report which includes drafting the grounds for the application or PPN (90 minutes)
- validating the documents, generating documents, printing documents, signing the documents, scanning documents (15 minutes)
- compiling aggrieved and respondent documents and commencing prosecutions notification workflow (15 minutes)
- shift supervisor review and transfer to prosecutions (20 minutes).

The Commission received submissions from police officers who were concerned the current methods for measuring success in investigations places pressure on frontline police to finish their tasks in the shortest time possible, rather than taking the extra time that might be needed to extract necessary details from victim-survivors. In that respect, QPS members told the Commission:

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Officers are encouraged to be offender and incident focused, and not victim centric by the way their performance is measured. An example is by way of KPIs [Key Performance Indicators] of response times.

The pressure to achieve this KPI is pushed back on to frontline officers. Meaning that [they] are encouraged to spend as little time as possible on each job, so that they can get to the next job in a quick response time.

There is no focus on the quality of the work, only the quantity.

I personally have been pressured to have victims withdraw their complaints to have the matter solved on QPRIME so that the clear up rate of a particular crime class appears better. I have observed this to particularly [be] the case in sexual assault and rape matters.<sup>413</sup>

There are so many limitations with the time that front line Police have to spend with an aggrieved person to gain a true understanding and appreciation for what they have gone through. There is such a push from the bosses above to get the job done in the fastest time possible, so that Police can get to the next job due to a lack in resources.<sup>414</sup>

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Policing domestic and family violence is complex, stressful and dangerous. Taking the time to make a careful assessment of a situation is crucial. A quick judgement that is not informed by a full assessment of the facts can have significant consequences for victim-survivors including exposing them to further trauma and abuse. Pressure to do something quickly, rather than having the confidence to complete it thoroughly, places officers in a position of conflict. In this regard, an officer told Mr Ainsworth that:



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**Time pressures of completing one job in order to get to the next job in a timely manner is impacting on front line officers. This in turn impacts on the standard of investigations undertaken at DV matters and the quality of the response.<sup>415</sup>**

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Women's Legal Service Queensland and the QPUE provided submissions to the Commission that recommended reduced paperwork for police.<sup>416</sup>

Similarly, the QPS endorsed an approach of reduced paperwork, and acknowledged that the inefficiency and frustration felt amongst police about paperwork was due, in part, to issues within the QPS internal document systems.<sup>417</sup>

The QPS should also investigate the use of Protective Services Group Officers to assist with the service of Protection Orders in limited situations, which might include when the respondent has not previously had a Protection Order made against them and are not considered to be high risk.

Barriers to streamlining administrative processes also exist outside the QPS's direct control, such as processes required under the *Domestic and Family Violence Protection Act 2012* including, for example, in relation to service of Protection Order applications.<sup>418</sup>

At a hearing, Assistant Commissioner Codd provided an example where police officers in rural and regional Queensland might have to drive several hours to serve a document on a respondent and, if they are not present, police would need to undertake that task again at a later stage.<sup>419</sup>

Both the QPS<sup>420</sup> and the QPUE<sup>421</sup> have submitted that there could be a range of benefits associated with legislative change:

- To allow for the electronic service of DFV documents, although the QPS submitted that this would only be appropriate where the respondent is in the physical presence of the police officer and consents to the electronic service of the document.<sup>422</sup>
- To allow electronic signatures on documents filed with courts electronically.
- So that a PPN could be used as an application to vary a domestic and family violence order.
- To expand the availability and use of video recorded statements in Protection Order proceedings to remove the requirement for police to complete affidavits for an aggrieved person.

It is not possible for the QPS to achieve legislative reform on its own. It requires government commitment and endorsement by other departments who may have other competing priorities. Assistant Commissioner Codd reported that while there had been attempts by the QPS in the past to engage with the Department of Justice and Attorney-General to obtain legislative reform on the more time-consuming aspects of service delivery for police these attempts have largely been unsuccessful.<sup>423</sup>

All of these submissions have merit and are likely to result in streamlined processes without compromising the quality of QPS responses to domestic and family violence. The Commission encourages the Queensland Government to engage with the QPS to consider how such streamlining can be put into effect.

An example of the difficulties of cross-agency change includes the use of video recorded statements as recommended by the Special Taskforce on Domestic and Family Violence in 2015.<sup>424</sup> A pilot program, in Magistrates Courts in only two districts, did not commence until September 2022, despite the QPS *"lobbying and lobbying and lobbying for this to occur."*<sup>425</sup>

The Commission received submissions from frontline officers which spoke positively of the benefits of the use of video recorded evidence. Submissions received from domestic and family violence services also supported, in principle, the use of video recorded evidence, with informed consent from victim-survivors. Subject to a positive evaluation of the trial, the Commission considers that the trial should be expanded to further districts and makes a recommendation to this effect at the end of this chapter.

## QLiTE

All operational police officers have QLiTE<sup>426</sup> devices, which allow them to access information from the QPS databases when they are not in the station (where internet is available).<sup>427</sup> In the 2021 survey of First Year Constables, participants reported that they were not fully trained in the use of their QLiTE devices.<sup>428</sup> Further, there is difficulty using these devices in remote areas as they require internet access to function, and the 3G network is not sufficient for QPRIME to work effectively. For example, Sergeant Shane Smith from the Mt Isa police station, stated:

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**QLiTEs, they work in the township as in everything Telstra, like your mobile phones, that type of thing. But you go out bush, even just going 2 or 3ks outside the township, being you're down - especially about 2ks out you're down to 3G and the QLiTEs don't really cope with 3G. You go 5ks out and you've got no coverage at all.<sup>429</sup>**

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**Overwhelmingly, the most frequently mentioned gap related to understanding and use of computer-based reporting systems and documentation, including QLiTE, QPRIME ... all of which are used every day on the road.<sup>430</sup>**

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The Commission was told in hearings that Acting Assistant Commissioner Kelly was aware First Year Constables did not consider they were appropriately trained in QLiTE. As a result, the QPS was initiating a system to allow recruits to be trained with the devices at the Academy. He noted the QPS planned for this to occur with the September 2022 recruits, but *"we need to develop those sand pits where they can actually practice."*<sup>431</sup>

The QPS recently developed a new application for accessing QPRIME on their QLiTE devices, known as 'QLiTE NextGen.' The new application was developed out of technological necessity, to replace QLiTE Classic which was nearing 'end-of-life' and would be unusable.<sup>432</sup> The Commission was advised that the goal of implementing this next generation capability was to *"streamline processes and provide easier access to key information to aid the assessment of risk."*<sup>433</sup> An officer who responded to the DFV-Q Survey said:



However the ability to create Occurrences on QLITEs has reduced the time Officers need to be in the Station to complete the necessary administrative requirements.<sup>434</sup>

Enabling police to begin their paperwork on their QLITE has reportedly resulted in improved efficiency in attending to the administrative requirements of domestic and family violence matters. This type of initiative is positive and should continue, along with auto-population of fields where appropriate.

During the hearing on 4 August 2022, Assistant Commissioner Codd noted that a key indicator of progress and success in the QPS response to domestic and family violence would be a reduction in the complexity of processes and systems that general duties officers have to undertake when attending domestic and family violence incidents.<sup>435</sup> He said:

An example of that would be the amendments we've made and improvements through the QLITE NextGen capability that allows the frontline to have more ready and easy-to-read access to information relating to relationships ... and the DV-PAF being loaded in that and being able to be responded to.<sup>436</sup>

However, QLITE NextGen is not without its issues. Some officers prefer the Classic version of QLITE and claim that QLITE NextGen is “clunky” and difficult to use.<sup>437</sup> Senior Constable Michael Festing told the Commission that:

The way the app is designed, it doesn't work very well ... bouncing between information trying to complete the occurrence, it's very messy.<sup>438</sup>

Another officer said:

QLITE NexGen is a waste of time, stop looking to fix things that are not broken. It is just another thing taking my attention away from the job.<sup>439</sup>

This sentiment was also reflected in the QPS DFV-Q survey of police officers. Ratings for the NextGen version of QLITE are less positive than the Classic version:<sup>440</sup>

- 34.6% of officers agreed that QLITE Classic was intuitive and easy to use for managing and responding to domestic and family violence matters, and 17.7% disagreed
- Only 10.6% of officers agreed that QLITE NextGen was intuitive and easy to use, while 39.4% of officers thought it was not.

## TOTAL 2022 QPS WORKFORCE RESPONSES

Strongly disagree Disagree Neither disagree nor agree Agree Strongly agree N/A

Q4. IT systems are intuitive and easy for managing and responding to DFV matters (rate for each).

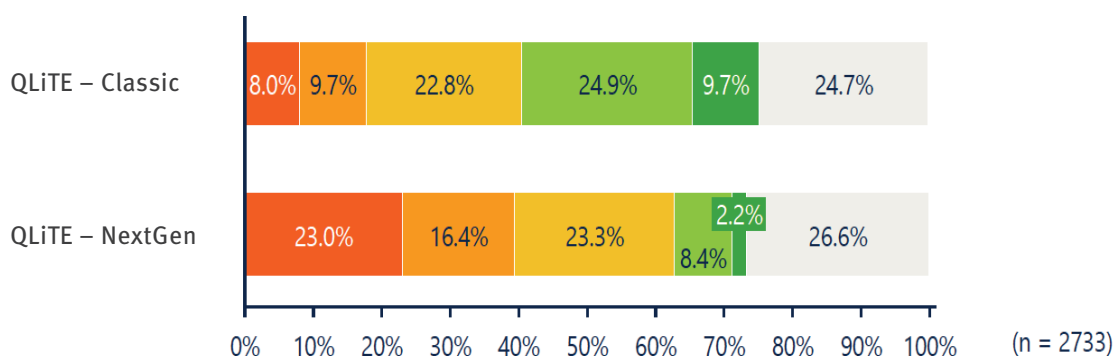


Figure 21: QPS DFV-Q survey responses to QLITE – Classic and QLITE – NextGen

Soon after the Commission commenced, QPS officers demonstrated the NextGen system to the Commission and advised that, at that time, officers had the option of using QLiTE Classic or QLiTE NextGen on their devices, as a soft roll out of the new process to allow officers to adjust to the new system. Various features of QLiTE classic are being retired and officers are being forced to use the NextGen system.<sup>441</sup>

## A NEW ROLE OF VICTIM LIAISON OFFICERS

The Commission heard from people named as aggrieved persons in Protection Orders that they often feel that they are not supported by police officers once a Protection Order application is made and their matter is proceeding through the Magistrates court. They include occasions on which aggrieved persons have not been advised about the nature and likely length of court proceedings, upcoming court dates and whether the aggrieved is required to attend, and the availability of support services to assist aggrieved persons through the proceedings.

The Commission heard from many QPS members that their workload is such that it is difficult to also support aggrieved persons by keeping them informed of the nature and steps involved in court proceedings, including updating them about court dates. This issue is not one which can be rectified by more training for police officers about the importance of supporting aggrieved persons through the court processes. On the basis of the evidence heard by the Commission, a failure to support aggrieved persons in this way is often caused by a lack of time and capacity rather than a lack of understanding.

Under-resourcing of the organisation's ability to respond to domestic and family violence is considered in this Part, but also in Part 3 of this Report. Material considered in Part 3 demonstrates that it is quite clear that many police officers do not consider they have the time and capacity to respond to domestic and family violence callouts on a shift, let alone maintain an ongoing level of support for aggrieved persons once their matters proceed through the courts.

The Commission accepts that under-resourcing of the organisation's ability to respond to domestic and family violence means that, often, an aggrieved does not receive an appropriate level of support as their Protection Order proceedings progress through the courts. The Commission also accepts that police officers often simply do not have the capacity to provide this support.

Nonetheless, that support is an important part of the organisation's response to domestic and family violence. Court proceedings can be daunting, confusing and protracted. A lack of support for an aggrieved through that process can leave them feeling overwhelmed, isolated and further traumatised.

In the Commission's view, it would be appropriate to introduce the new role of Victim Liaison Officers to support aggrieved persons through court proceedings, for Protection Order proceedings or Police Prosecutions Corps summary prosecutions. A police officer should provide the aggrieved with contact details for the relevant Victim Liaison Officer at the time a decision to proceed with an application or criminal offence is made. The support provided by a Victim Liaison Officer, if requested by an aggrieved, should include, at least, advice about the nature and likely length of the proceedings, ongoing court dates and whether the aggrieved is required to attend or not, and the availability of support services. The Commission makes a recommendation to this effect at the end of this chapter.

## CONCLUSION

Police need effective recruitment, training, procedures, and systems in order to respond effectively to domestic and family violence. The more knowledge and skills that QPS members have in relation to domestic and family violence the better the QPS response will be.

Continual assessments of the resources available to support QPS members in their responses to domestic and family violence will be necessary to ensure the organisation is well-placed to provide the most effective support to its officers.

## FINDINGS

- The current recruitment strategy needs to be strengthened to ensure the Queensland Police Service attracts applicants who will be best placed to respond effectively to domestic and family violence.
- Ongoing one on one training is a valuable learning tool. Appropriately qualified Field Training Officers are essential to ensure success in the First Year Constable training program.
- There are significant gaps in training in relation to domestic and family violence. The Queensland Police Service should resume its practice of engaging people with lived experience of domestic and family violence and specialist domestic and family violence advocacy groups or services to deliver face to face training. All officers in specialist domestic and family violence positions and supervising frontline junior officers should have specialist training in domestic and family violence.
- The Operational Procedures Manual as it relates to the investigation of domestic and family violence is difficult to follow in the field and should be amended.
- Police are finding the burden of paperwork associated with domestic and family violence overwhelming.
- Police are not always able to adequately support victim-survivors through court proceedings, including by providing information in a timely way. The introduction of Victim Liaison Officers would help to correct this.

## RECOMMENDATIONS

### Recommendation 11

Within 12 months, the Queensland Police Service review its recruitment strategy to ensure that it:

- values applicants who have an interest in domestic and family violence policing
- attracts applicants from a diverse range of backgrounds and experiences, particularly from rural and remote locations
- attracts applicants from diverse cultural and linguistic backgrounds, particularly First Nations peoples
- targets applicants with an interest in criminology, social work, counselling, or other relevant human services
- accurately reflects the role of police in responding to domestic and family violence.

### Recommendation 12

Within six months, the Queensland Police Service engage the Queensland Human Rights Commission to:

- review the Queensland Police Service practices and procedures for recruitment of its members, including to identify any drivers of inequality within Queensland Police Service members
- provide consultation and advice to the Queensland Police Service to develop revised strategic and operational plans to increase diversity and inclusion of Queensland Police Service members, including to increase the recruitment and retention of women, culturally and linguistically diverse, and First Nations members. The strategic and operational plans be finalised within 12 months of the commencement of the engagement of the Queensland Human Rights Commission and be published on the Queensland Police Service website
- conduct an evaluation to measure the extent to which the objectives of the revised strategic and operational plans have been met within 24 months of the finalisation of the plan. The outcomes of the evaluation be published on the Queensland Police Service and Queensland Human Rights Commission websites.

### Recommendation 13

Within six months, the Queensland Police Service develop and implement a requirement that Officers in Charge must appoint Field Training Officers who possess appropriate skills and experience and standards of integrity, including having:

- at least two years of operational experience
- no pending, current or previous domestic and family violence order history
- no complaints history of concern
- a demonstrated capacity to respond effectively to domestic and family violence
- a proven ability to develop suitable training skills.

### Recommendation 14

Within 12 months, the Queensland Police Service engage people with lived experience and specialist domestic and family violence advocacy groups or services to deliver face to face training in relation to domestic and family violence at the Academy and for ongoing training.

### Recommendation 15

Within three months, the Queensland Police Service develop and implement a procedure which requires Officers in Charge to ensure that all frontline officers who attend domestic and family violence occurrences meet with a designated senior officer to receive feedback in relation to a sample of their body worn camera footage at least every six months.

### Recommendation 16

Within 12 months, the Queensland Police Service improve its training in relation to domestic and family violence by ensuring all relevant programs address:

- legal and evidentiary thresholds for the making of Protection Order applications and the laying of associated criminal charges
- required information that must be included in Protection Order applications, including how to address the question of why the order is necessary or desirable
- the differences between the evidence required for criminal proceedings and domestic and family violence civil applications
- the inherent seriousness of proven breaches of Protection Orders and the significance of breaches in proving a course of conduct

- the information that should be included in objection to bail affidavits when criminal charges are commenced and bail is opposed
- the considerations relevant to whether to commence criminal charges when considering what action to take in response to domestic and family violence
- the dynamics of power and control, and the need to view domestic and family violence as a pattern over time, when responding to, and investigating, domestic and family violence
- victim-centric, trauma-informed, approaches to responding to and investigating domestic and family violence (including clear definitions and explanations of such terminology)
- when to use, and how to access, interpreters when responding to and investigating domestic and family violence.

#### **Recommendation 17**

Within three months, the Queensland Police Service develop and implement a procedure which requires members in the following designated roles to undertake the specialist five-day domestic and family violence training:

- High Risk Teams
- Police Communications Centre
- District Duty Officers
- Officers in Charge
- Shift Supervisors
- Domestic and Family Violence Coordinators and Officers
- Domestic Violence Liaison Officers
- Members of the Domestic, Family Violence and Vulnerable Persons Command.

The procedure should stipulate that persons already in those roles (in a permanent or acting capacity) complete the training within 24 months and persons appointed to those roles after the procedure is operational complete the training within six months of appointment.

#### **Recommendation 18**

Within 12 months, the Queensland Police Service review the adequacy of the Operational Procedures Manual to direct and guide police responses to and investigation of domestic and family violence. The review is to include the involvement of a representative group of frontline officers, including a sample of Sergeants and Senior Constables who lead in the field.

#### **Recommendation 19**

Within six months, the Queensland Police Service develop a pocket-sized checklist for use by officers responding to domestic and family violence which outlines the steps that must be undertaken when attending to a domestic and family violence occurrence.

#### **Recommendation 20**

Within 12 months, the Department of Justice and Attorney-General amend the *Domestic and Family Violence Protection Act 2012* by repealing section 113(3)(c) of the Act.

#### **Recommendation 21**

Within 12 months, the Queensland Government provide, by necessary legislative amendment, that the video recorded evidence trial be expanded across the state, pending a positive evaluation of the trial.

#### **Recommendation 22**

Within 12 months, the Department of Justice and Attorney-General investigate the feasibility of amending the *Domestic and Family Violence Protection Act 2012* to allow for electronic service of Police Protection Notices and Temporary Protection Orders in appropriate circumstances.

#### **Recommendation 23**

Within 12 months, the Queensland Police Service establish a dedicated district level Victim Liaison Officer scheme to support people named as aggrieved persons in Protection Order applications or related summary prosecutions by the Police Prosecution Corps by providing them with information about Protection Order proceedings, any summary prosecutions by the Police Prosecutions Corps, and facilitating access to support services.

The established scheme must include appropriate guidelines outlining functions; the induction, and ongoing training commitment; formalised partnership arrangements with victim advocacy and support services; and a 12-month post-establishment evaluation.



## HUMAN RIGHTS CONSIDERATIONS

Increased diversity in recruitment will create a police service that is more reflective of the community, with officers who have strengths and experiences that will positively contribute to how police investigate domestic and family violence, and how victim-survivors are treated.

It is possible that revising recruitment strategies to proactively recruit women and people from diverse backgrounds may restrict some rights of other applicants, such as recognition and equality before the law (s 15 HRA) but it is considered justified as a necessary and proportionate response to the need to better respond to victim-survivors. The involvement of the Human Rights Commission in implementing a proactive strategy to recruit women and culturally and linguistically diverse members will help ensure that any potential limitations of human rights of men that may arise, such as recognition and equality before the law (s 15 HRA), or equal opportunity considerations under the *Anti-Discrimination Act 1991* (Qld) are considered and justified in the recruitment strategy.

Further training for all officers and intensive training for officers in specialist positions, with input from people with lived experience and domestic and family violence advocacy groups, will ensure a victim-centric, trauma-informed approach to investigating domestic and family violence. The training will be supported by amendments to the Operational Procedures Manual, reviews of body worn camera footage and standards for Field Training Officers to ensure that First Year Constables are educated about domestic and family violence and have an appropriate level of supervision when they leave the Academy.

The combined effects of these recommendations will elevate a number of personal human rights of victim-survivors that are engaged when domestic and family violence is prevented or disrupted including recognition and equality before the law (s 15 HRA), right to life (s 16 HRA), right to liberty and security (s 29 HRA), protection for victim-survivors and families (ss 17 and 26 HRA) and cultural rights (ss 27 and 28 HRA).

The potential extension of the Video Recorded Evidence trial recognises the need to lessen the trauma and disadvantage experienced by victim-survivors during the court process, elevating their rights of recognition and equality before the law (s 15 HRA).

Recommendations 21 and 22 will streamline administrative processes around domestic and family violence applications and Police Protection Notices. The current processes are unnecessarily time consuming and repetitive. Simplifying the administrative processes will allow police more time to respond to and investigate domestic and family violence, elevating the human rights of victim-survivors outlined above.

## ENDNOTES – PART 2

- 1 Exhibit 1.2, Statement of Chief Superintendent Ben Martain, Tender Bundle A, tendered 11 July [p 5: para 20].
- 2 Exhibit 1.1, Statement of Assistant Commissioner Brian Codd, Tender Bundle A, tendered 11 July 2022 [p 3: para 18].
- 3 Exhibit 37.3, Statement of Assistant Commissioner Cameron Ian Harsley, Tender Bundle U, tendered 18 August [pp 13–14].
- 4 Exhibit 1.1, Statement of Assistant Commissioner Brian Codd, Tender Bundle A, tendered 11 July 2022 [p 4: para 25].
- 5 Transcript of proceedings, Assistant Commissioner Brian Codd, 11 July 2022, Brisbane, [p 45, line 33 – p 46 line 22].
- 6 Commitments were also made to explore data-linking opportunities with Queensland Health to respond to the impact of non-lethal strangulation: Queensland Government, *Third Action Plan of the Domestic and Family Violence Prevention Strategy 2019-20 to 2021-22* (September 2019) [p 11].
- 7 Exhibit 1.2, Statement of Chief Superintendent Ben Martain, Attachment D (Domestic and Family Violence Strategy), Tender Bundle A, tendered 11 July 2022.
- 8 Neil Greenfield, *Queensland Police Service Strategic Review* (Final Report, 6 December 2019).
- 9 Neil Greenfield, *Queensland Police Service Strategic Review* (Final Report, 6 December 2019) [p 4].
- 10 Neil Greenfield, *Queensland Police Service Strategic Review* (Final Report, 6 December 2019) [p 6].
- 11 Neil Greenfield, *Queensland Police Service Strategic Review* (Final Report, 6 December 2019) [p 7].
- 12 Neil Greenfield, *Queensland Police Service Strategic Review* (Final Report, 6 December 2019) [p 8].
- 13 Neil Greenfield, *Queensland Police Service Strategic Review* (Final Report, 6 December 2019) [p 9].
- 14 Neil Greenfield, *Queensland Police Service Strategic Review* (Final Report, 6 December 2019) [p 10].
- 15 SDRP is now known as the Service Delivery Program (SDP), but QPS members still use the terms interchangeably.
- 16 Exhibit 37.3, Statement of Assistant Commissioner Cameron Ian Harsley, Tender Bundle U, tendered 18 August 2022 [p 8: para 44].
- 17 Transcript of proceedings, Police Commissioner Katarina Carroll, 18 August 2022, Brisbane [p 2058, lines 32–37].
- 18 Letter to the Commission, 15 September 2022, provided by QPUE in response to the Commission Requirement, NTP 15.001, Item 1, requested 8 September 2022.
- 19 QPUE letter to Assistant Commissioner Cameron Harsley, 12 March 2021, provided by the QPUE in response to the Commission Requirement, NTP 15.001, Item 2, requested 8 September 2022 [p 2].
- 20 Confidential, Commission of Inquiry Submission 377, 27 August 2022.
- 21 Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2021.
- 22 Transcript of proceedings, Commissioner Katarina Carroll, 18 August 2022, Brisbane [p 2059: lines 16–31].
- 23 Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2021.
- 24 Transcript of proceedings, Mark Ainsworth, 27 July 2022, Brisbane [p 1080: lines 22–32] (emphasis added).
- 25 Exhibit 27.6, Statement of Ian Leavers, Tender Bundle Q, tendered 5 August 2022 [p 4: para 19].
- 26 Queensland Police Union of Employees, Closing submissions to the Commission of Inquiry, 25 August 2022 [para 3].
- 27 For example, the Special Taskforce on Domestic and Family Violence in Queensland recommended that the QPS increase the number of district Domestic and Family Violence Coordinators based on a rigorous assessment of demand and appropriate allocation and resourcing of these positions across the state (Recommendation 135). They also recommended that the QPS reinstate the Domestic and Family Violence State Coordinator at a suitable level to effectively support these Coordinators, address the disconnect between policy and practice to engender a consistent approach to the policing response, monitor performance and drive the future direction of policing domestic and family violence with a view to improving practice (Recommendation 136): Special Taskforce on Domestic and Family Violence, *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland* (Report, 2015) [p 42].
- 28 Culture Change Strategy: QPS culture in relation to domestic and family violence, 23 April 2019, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.011, Item 2.1, requested 20 June 2022. This report was undertaken by Nous Consultancy to assess QPS culture in relation to DFV and a subsequent training and coaching program to support culture change. It made multiple recommendations relevant to the resourcing of domestic and family violence to the QPS including that officers are appropriately trained, remote regions have access to specialist resources, and that QPS should “review the resources available to effectively manage and respond to DFV matters to ensure members of all ranks and regions can access the necessary and appropriate support”.
- 29 Women’s Safety and Justice Taskforce, *Hear her voice: Report 1 – Addressing coercive control and domestic and family violence in Queensland* (Report One, December 2021) [p 162].
- 30 Explanatory note and further response to email dated 26 July 2022, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.010, requested 17 June 2022.
- 31 Explanatory note and further response to email dated 26 July 2022, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.010, requested 17 June 2022 and NTP 2.040 requested 16 August 2022.
- 32 Queensland Police Service, *Experts gather to discuss domestic and family violence policing* (Web Page, 15 June 2021) <<https://mypolice.qld.gov.au/news/2021/06/15/experts-gather-to-discuss-domestic-and-family-violence-policing/>>.
- 33 Executive Briefing Note: Demand Reporting – Domestic and Family Violence, 2 August 2022, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.040, Item 1a, requested 15 August.
- 34 Queensland Police Service, Closing submissions to the Commission of Inquiry, Attachment B, 22 August 2022.
- 35 Queensland Police Service, Closing submissions to the Commission of Inquiry, Attachment ‘DV Summary’, 22 August 2022.
- 36 Steering Committee for the Review of Government Service Provision, *Report on Government Services 2022* (Productivity Commission Report, 25 January 2022) [pt C, s 6].
- 37 Transcript of proceedings, Constable Kate Gersekowski, 12 July 2022, Brisbane [p 241: lines 5–22].
- 38 Transcript of proceedings, Constable Andrea Hughes, 12 July 2022, Brisbane [p 250: lines 11–16]; Exhibit 17.01, Mark Ainsworth, *Report into interviews conducted with police officers and civilian officers in relation to the Independent Commission of Inquiry into the Queensland Police Service responses to domestic and family violence* (21 July 2022), Annexure M (Summary of interviews conducted on 1 July 2022), Tender Bundle K, tendered 27 July 2022. This document is subject to an Order for Non-Publication made on 27 July 2022 – see Exhibit C.
- 39 Based on data provided by Queensland Police Service in response to the Commission Requirement NTP 2.002, requested on 2 June 2022.
- 40 Queensland Treasury, *Service Delivery Statements Queensland Police Service 2021–22* (2021); Queensland Treasury, *Service Delivery Statements Queensland Police Service 2022–23* (2022).
- 41 Queensland Government, *Performance Management Framework, Service Delivery Statements: Performant Statement, Better Practice Guide* (April 2017).
- 42 ‘Police Commissioner’s vow after Doreen Langham Inquest’, *The Scott Emerson Drive Show* (4BC Radio, 29 June 2022) <<https://www.4bc.com.au/police-commissioners-promise-following-doreen-langham-inquest/>>.
- 43 Transcript of proceedings, Commissioner Katarina Carroll, 18 August 2022, Brisbane [p 2031: lines 2–15].
- 44 Transcript of proceedings, Commissioner Katarina Carroll, 18 August 2022, Brisbane [p 2032: lines 8–40].
- 45 Queensland Government, *Performance Management Framework, Service Delivery Statements: Performant Statement, Better Practice Guide* (April 2017).
- 46 Audit Office of New South Wales, *Performance Audit: Police responses to domestic and family violence* (Report, April 2022) [p 16].
- 47 Audit Office of New South Wales, *Performance Audit: Police responses to domestic and family violence* (Report, April 2022) [p 32].
- 48 Audit Office of New South Wales, *Performance Audit: Police responses to domestic and family violence* (Report, April 2022) [p 32].
- 49 Audit Office of New South Wales, *Performance Audit: Police responses to domestic and family violence* (Report, April 2022) [p 32].
- 50 Victoria Police, *Annual Report 2021–2022* (2022) [p 16].
- 51 *Inquest into the deaths of Doreen Gail Langham and Gary Matthew Hely* (Coroners Court, Deputy State Coroner Bentley, 27 June 2022) [pp 131–134].
- 52 Exhibit 37.2, Statement of Commissioner Katarina Carroll, Attachment E (Email sent by Commissioner to Queensland Police Service dated 26 February 2021), Tender Bundle U, tendered 18 August 2022.
- 53 Exhibit 1.2, Statement of Chief Superintendent Ben Martain, Tender Bundle A, tendered 11 July [p 3: para 8].
- 54 The Domestic and Family Violence and Vulnerable Persons Unit was established in 2015, initially as part of the Community Contact Command and, following an internal organisational restructure in 2020, the Road Policing and Regional Support Command: ‘Organisational Structure’, *Queensland Police Service* (Web Page, 12 January 2022) <<https://www.police.qld.gov.au/organisational-structure/regional-operations/road-policing-and-regional-support-command>>.
- 55 Transcript of proceedings, Commissioner Katarina Carroll, 18 August 2022, Brisbane [p 1981: lines 39–45].

56 Exhibit 1.2, Statement of Chief Superintendent Ben Martain, Attachment D (Queensland Police Service Domestic & Family Violence Strategy 2021-2023), Tender Bundle A, tendered 11 July 2022 [p 5].

57 Resource Allocation Committee submission endorsed 17 March 2021, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.042, Item 2, requested 22 August 2022.

58 Transcript of proceedings, Assistant Commissioner Brian Codd, 11 July 2022, Brisbane [p 15: lines 10–36].

59 Transcript of proceedings, Assistant Commissioner Brian Codd, 11 July 2022, Brisbane [p 11: lines 2–20; p 16: lines 35–42].

60 Other roles are focused on liaison with Victim Assist Queensland, police referrals and mental health.

61 Interviews with members of the Command took place on 19 and 21 September 2022.

62 Special Taskforce on Domestic and Family Violence, *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland* (Report, 2015).

63 Exhibit 39 (D23), Summary of interviews with DFVPU Command members on 19 and 21 September 2022, Tender Bundle W, tendered 5 October 2022.

64 Exhibit 39 (D23), Summary of interviews with DFVPU Command members on 19 and 21 September 2022, Tender Bundle W, tendered 5 October 2022.

65 Exhibit 39 (D23), Summary of interviews with DFVPU Command members on 19 and 21 September 2022, Tender Bundle W, tendered 5 October 2022.

66 Exhibit 39 (D11), DFV deep dive powerpoint presentation, 12 May 2021, Tender Bundle W, tendered 5 October 2022.

67 Exhibit 39 (D9), ELT meeting minutes from 25–26 March 2021, Tender Bundle W, tendered 5 October 2022.

68 Exhibit 39 (D11), DFV deep dive powerpoint presentation, 12 May 2021, Tender Bundle W, tendered 5 October 2022.

69 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2273: lines 18–37].

70 Resource Allocation Committee submission endorsed 17 March 2021, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.042, Item 2, requested 22 August 2022.

71 For example: Exhibit 39 (D13), Email from Assistant Commissioner Codd to Deputy Commissioner Linford, 30 September 2021, Tender Bundle W, tendered 5 October 2022; Exhibit 39 (D15), Assistant Commissioner Codd's diary extracts, Tender Bundle W, tendered 5 October 2022 [pp 1–5].

72 Transcript of proceedings, Commissioner Katarina Carroll, 18 August 2022, Brisbane [p 1998: lines 24–28].

73 Transcript of proceedings, Assistant Commissioner Brian Codd, 11 July 2022, Brisbane [p 13: lines 7–25].

74 Confidential submission, Commission of Inquiry Submission 391, 29 August 2022 [p 2].

75 Exhibit 39 (D12), Board of Management Submission for 29 June 2021, Tender Bundle W, tendered 5 October 2022.

76 Exhibit 39 (D12), Board of Management Submission for 29 June 2021, Tender Bundle W, tendered 5 October 2022 (emphasis added).

77 Transcript of proceedings, Assistant Commissioner Brian Codd, 11 July 2022, Brisbane [p 45: lines 15–31].

78 Transcript of proceedings, Assistant Commissioner Brian Codd, 11 July 2022, Brisbane [p 45: lines 33–47].

79 Women's Legal Service Queensland, Closing submissions to the Commission of Inquiry, 24 August 2022.

80 Queensland Police Service, Closing submissions to the Commission of Inquiry, 22 August 2022.

81 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [pp 2294–2295].

82 Exhibit 39 (D20), Email from Assistant Commissioner Codd to Deputy Commissioner Linford, 14 September 2022, Tender Bundle W, tendered 5 October 2022.

83 Midpoint Review Snapshot Update – DFVPU Command, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.078, Item 2, requested 20 October 2022.

84 Explanatory note and urgent out of session WAS submission, 13 October 2022, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.075, Item 3, requested 12 October 2022.

85 Urgent out of session WAS submission, 13 October 2022, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.075, Item 3, requested 12 October 2022.

86 Other resources include two positions for DFVUs in Brisbane Communications and two positions for Mental Health.

87 For example: Transcript of proceedings, Assistant Commissioner Brian Codd, 4 August 2022, Brisbane [p 1507: lines 21–47].

88 Transcript of proceedings, Assistant Commissioner Brian Codd, 11 July 2022, Brisbane [p 69: lines 19–28].

89 Exhibit 36.5, Intelligence Assessment – Domestic and Family Violence in the Torres Strait and the Northern Peninsula Area (current as at 30 June 2021), Tender Bundle T, tendered 9 August 2022.

90 Exhibit 39 (E4), Response to NTP from Warren Campbell, Tender Bundle W, tendered 5 October 2022.

91 Transcript of proceedings, Assistant Commissioner Brian Codd, 4 August 2022, Brisbane [p 1507: lines 40–47].

92 Transcript of proceedings, Assistant Commissioner Brian Codd, 4 August 2022, Brisbane [p 1507: lines 21–27].

93 Transcript of proceedings, Assistant Commissioner Brian Codd, 4 August 2022, Brisbane [p 1517: lines 4–47].

94 Transcript of proceedings, Assistant Commissioner Brian Codd, 4 August 2022, Brisbane [p 1510: lines 2–31].

95 Exhibit 39 (E4), Response to NTP from Warren Campbell, Tender Bundle W, tendered 5 October 2022.

96 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2302: lines 29–32].

97 Exhibit 1.1, Statement of Assistant Commissioner Brian Codd, Tender Bundle A, tendered 11 July 2022 [p 3: para 21].

98 Those priorities being: Victim/Survivor Protection, Perpetrator Accountability, Our People, Community Confidence and Integrated Relationships.

99 Transcript of proceedings, Assistant Commissioner Brian Codd, 11 July 2022, Brisbane [p 45: lines 8–13].

100 For example: Transcript of proceedings, Assistant Commissioner Brian Codd, 11 July 2022, Brisbane [p 45: lines 8–13]; Exhibit 1.2, Statement of Chief Superintendent Ben Ronald Martain, Tender Bundle A, tendered 11 July 2022 [p 4: para 15].

101 Operation Tango Alessa Evaluation Report, December 2021, provided by Queensland Police Service in response to the Commission Requirement, NTP 2.005, Item 6, requested 14 June 2022.

102 Operation Tango Alessa Evaluation Report, December 2021, provided by Queensland Police Service in response to the Commission Requirement, NTP 2.005, Item 6, requested 14 June 2022.

103 Operation Tango Alessa Evaluation Report, December 2021, provided by Queensland Police Service in response to the Commission Requirement, NTP 2.005, Item 6, requested 14 June 2022.

104 Operation Tango Alessa Evaluation Report, December 2021, provided by Queensland Police Service in response to the Commission Requirement, NTP 2.005, Item 6, requested 14 June 2022.

105 The THReT tool was designed by the Child Abuse and Sexual Crime Group to identify sexual offenders.

106 Operation Tango Alessa Evaluation Report, December 2021, provided by Queensland Police Service in response to the Commission Requirement, NTP 2.005, Item 6, requested 14 June 2022.

107 Exhibit 1.1, Statement of Assistant Commissioner Brian John Codd, Tender Bundle A, tendered 11 July 2022 [p 6: para 41].

108 The Advisory Group's current members include Assistant Commissioner Codd and representatives from the Women's Legal Service Queensland, Red Rose Foundation, Queensland Center for Domestic and Family Violence Research, Multicultural Australia, Queensland Family and Child Commission and DV Connect.

109 'Expert group assembled to advise police on domestic and family violence', *Queensland Police Service* (Web Page, 9 November 2021) <<https://mypolice.qld.gov.au/news/2021/11/09/expert-group-assembled-to-advise-police-on-domestic-and-family-violence/>>.

110 Exhibit 1.1, Statement of Assistant Commissioner Brian John Codd, Tender Bundle A, tendered 11 July 2022 [p 6: para 42].

111 Domestic and Family Violence Advisory Group meeting minutes, 9 November 2021, provided by Queensland Police Service in response to the Commission Requirement, NTP 2.022, Item 1, requested 7 July 2022.

112 Domestic and Family Violence Advisory Group meeting minutes, 8 February 2022, provided by Queensland Police Service in response to the Commission Requirement, NTP 2.022, Item 1, requested 7 July 2022.

113 For example, Act for Kids, ANROWS, Micah Projects, DV Connect, WWILD, Red Rose Foundation.

114 Red Rose Foundation, Commission of Inquiry Submission 194, 7 July 2022 [p 3].

115 WWILD Sexual Violence Prevention Association, Commission of Inquiry Submission 158, 24 June 2022 [p 15].

116 'Family Violence Reform Advisory Group', *State Government of Victoria* (Web Page, 22 July 2021) <<https://www.vic.gov.au/family-violence-reform-advisory-group>>; 'Victims of Crime Commissioner', *ACT Human Rights Commission* (Web Page) <<https://hrc.act.gov.au/victims-support-act/victims-of-crime-commissioner/>>.

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- 123 Exhibit 17.1, Mark Ainsworth, *Report into interviews conducted with police officers and civilian officers in relation to the Independent Commission of Inquiry into the Queensland Police Service responses to domestic and family violence* (21 July 2022), Tender Bundle K, tendered 27 July 2022 [p 10: para 33].
- 124 Transcript of proceedings, Emma Wilson, 25 July 2022, Brisbane [p 940: lines 1–8] (emphasis added).
- 125 Transcript of proceedings, Sergeant Neil Gardner, 11 June 2022, Brisbane [p 125: lines 4–13].
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- 127 Exhibit 1.3, Statement of Sergeant Neil John Gardner, Tender Bundle A, tendered 11 July 2022 [p 5: para 42].
- 128 Exhibit 1.3, Statement of Sergeant Neil John Gardner, Tender Bundle A, tendered 11 July 2022 [p 5: para 41].
- 129 Exhibit 17.1, Mark Ainsworth, *Report into interviews conducted with police officers and civilian officers in relation to the Independent Commission of Inquiry into the Queensland Police Service responses to domestic and family violence* (21 July 2022), Tender Bundle K, tendered 27 July 2022 [p 7: para 22].
- 130 There are also provisions within the OPMs to nominate regional domestic and family violence liaison officers (DVLOs). While these are not formal positions, an OIC of a region or command if they believe such an appointment would improve police efficiency and provide a better service to the community. An OIC may delegate this duty to another officer within their station in addition to their substantive duties: Queensland Police Service, *Operational Procedures Manual*, Chapter 9: Domestic Violence, 7 October 2022 [s 9.15.2].
- 131 Transcript of proceedings, Chief Superintendent Ben Martain, 11 June 2022, Brisbane [p 109: lines 20–25].
- 132 Transcript of proceedings, Assistant Commissioner Brian Codd, 11 June 2022, Brisbane [p 94: line 31 – p 95: line 25].
- 133 Vulnerable Persons Training Audit, April 2021, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.004, Item 5, requested 14 June 2022.
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- 135 Exhibit 17.1, Mark Ainsworth, *Report into interviews conducted with police officers and civilian officers in relation to the Independent Commission of Inquiry into the Queensland Police Service responses to domestic and family violence* (21 July 2022), Annexure E (Summary of interviews conducted on 29 June 2022), Tender Bundle K, tendered 27 July 2022. This document is subject to an Order for Non-Publication made on 27 July 2022 – see Exhibit C.
- 136 An OIC may delegate this duty to another officer within their station. Should they do so, the OIC is then responsible for the performance and supervision of the nominated officer and should allow them adequate time and resources to be able to perform these tasks.
- 137 Transcript of proceedings, Chief Superintendent Ben Martain, 11 June 2022, Brisbane [p 122: lines 18–26].
- 138 Exhibit 17.1, Mark Ainsworth, *Report into interviews conducted with police officers and civilian officers in relation to the Independent Commission of Inquiry into the Queensland Police Service responses to domestic and family violence* (21 July 2022), Tender Bundle K, tendered 27 July 2022 [p 9: paras 29–30].
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- 140 Exhibit 17.1, Mark Ainsworth, *Report into interviews conducted with police officers and civilian officers in relation to the Independent Commission of Inquiry into the Queensland Police Service responses to domestic and family violence* (21 July 2022), Annexure D (Summary of interviews conducted on 21 June 2022), Tender Bundle K, tendered 27 July 2022. This document is subject to an Order for Non-Publication made on 27 July 2022 – see Exhibit C.
- 141 Exhibit 17.1, Mark Ainsworth, *Report into interviews conducted with police officers and civilian officers in relation to the Independent Commission of Inquiry into the Queensland Police Service responses to domestic and family violence* (21 July 2022), Annexure I (Summary of interviews conducted on 27 June 2022), Tender Bundle K, tendered 27 July 2022. This document is subject to an Order for Non-Publication made on 27 July 2022 – see Exhibit C.
- 142 Women's Legal Service Queensland, Closing submissions to the Commission of Inquiry, 24 August 2022 [p 16].
- 143 Report for coroner, 24 March 2020, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.009, Item 1, requested 17 June 2022.
- 144 Transcript of proceedings, Chief Superintendent Ben Martain, 11 June 2022, Brisbane [p 106: lines 20–24].
- 145 Exhibit 1.2, Statement of Chief Superintendent Ben Martain, Attachment H (Queensland Police Service District Domestic and Family Violence Coordinator Position Description), Tender Bundle A, tendered 11 July 2022.
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- 148 Crime and Misconduct Commission, *Policing domestic violence in Queensland; meeting the challenges*, March 2005 [p 83].
- 149 Coroner John Hutton (Coroners Court of Queensland), *Findings of inquest into the death of Noeline Marie Beutel*, delivered 17 November 2014.
- 150 Coroner John Hutton (Coroners Court of Queensland), *Findings of inquest into the death of Noeline Marie Beutel*, delivered 17 November 2014 [p 6].
- 151 Coroner John Hutton (Coroners Court of Queensland), *Findings of inquest into the death of Noeline Marie Beutel*, delivered 17 November 2014 [p 7].
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- 153 Exhibit 1.2, Statement of Chief Superintendent Ben Martain, Attachment H (Queensland Police Service District Domestic and Family Violence Officer Position Description), Tender Bundle A, tendered 11 July 2022.
- 154 Transcript of proceedings, Chief Superintendent Ben Martain, 11 July 2022, Brisbane [p 107: lines 4–15].
- 155 Transcript of proceedings, Chief Superintendent Ben Martain, 11 July 2022, Brisbane [p 107: lines 17–28].
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- 157 Exhibit 5.1, Statement of Acting Assistant Commissioner Mark Kelly, Tender Bundle B, tendered 12 July 2022 [p 29: para 146 onwards].
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- 163 Transcript of proceedings, Sergeant Elise Feltham, 11 July 2022, Brisbane [p 143: lines 12–14].
- 164 Exhibit 17.1, Mark Ainsworth, *Report into interviews conducted with police officers and civilian officers in relation to the Independent Commission of Inquiry into the Queensland Police Service responses to domestic and family violence* (21 July 2022) Annexure J (Summary of interviews conducted on 28 June 2022), Tender Bundle K, tendered 27 July 2022. This document is subject to an Order for Non-Publication made on 27 July 2022 – see Exhibit C.
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- 166 Exhibit 17.1, Mark Ainsworth, *Report into interviews conducted with police officers and civilian officers in relation to the Independent Commission of Inquiry into the Queensland Police Service responses to domestic and family violence* (21 July 2022), Annexure I (Summary of interviews conducted on 28 June 2022), Tender Bundle K, tendered 27 July 2022. This document is subject to an Order for Non-Publication made on 27 July 2022 – see Exhibit C.
- 167 For example, on 27 September 2022, members of the Commission attended the Police Communications Centre. At that time, only one officer was on shift and there were over 75 active domestic and family violence jobs for attention.
- 168 Transcript of proceedings, Assistant Commissioner Brian Codd, 11 July 2022, Brisbane [p 23: lines 32–46].
- 169 Transcript of proceedings, Chief Superintendent Ben Martain, 11 July 2022, Brisbane [pp 102–103].
- 170 Transcript of proceedings, Chief Superintendent Ben Martain, 11 July 2022, Brisbane [p 103: lines 7–19].
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- 172 Exhibit 1.4, Statement of Sergeant Elise Feltham, Tender Bundle A, tendered 11 July 2022 [p 3: para 19].

173 Exhibit 1.1, Statement of Assistant Commissioner Brian Codd, Attachment A (Action Item Table 21/22), Tender Bundle A, tendered 11 July 2022 [p 6].

174 Exhibit 1.1, Statement of Assistant Commissioner Brian John Codd, Attachment B (DFVVPV Capability Maturity Assessment), Tender Bundle A, tendered 11 July 2022.

175 Exhibit 1.1, Statement of Assistant Commissioner Brian John Codd, Attachment B (DFVVPV Capability Maturity Assessment), Tender Bundle A, tendered 11 July 2022 [p 1].

176 Exhibit 1.2, Statement of Chief Superintendent Ben Martain, Attachment J (DFVVPV Capability Framework), Tender Bundle A, tendered 11 July 2022.

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179 Transcript of proceedings, Sergeant Elise Feltham, 11 July 2022, Brisbane [p 144: lines 1–13, 30–36].

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181 Aboriginal & Torres Strait Islander Women's Legal Services North Queensland, Commission of Inquiry Submission 200, 8 July 2022.

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185 Exhibit 1.4, Statement of Sergeant Elise Feltham, Tender Bundle A, tendered 11 July 2022 [p 7: para 42].

186 Exhibit 17.1, Mark Ainsworth, *Report into interviews conducted with police officers and civilian officers in relation to the Independent Commission of Inquiry into the Queensland Police Service responses to domestic and family violence* (21 July 2022), Tender Bundle K, tendered 27 July 2022 [p 23: para 94]. This document is subject to an Order for Non-Publication made on 27 July 2022 – see Exhibit C.

187 Exhibit 1.2, Statement of Sergeant Neil Gardner, Tender Bundle A, tendered 11 July 2022 [p 3: para 26].

188 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 16].

189 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 46].

190 Exhibit 27.7, Statement of Rosemary O'Malley, Tender Bundle Q, tendered 28 July 2022 (emphasis added).

191 Exhibit 7.4, Statement of Sergeant Michael Read, Tender Bundle D, tendered 13 July 2022.

192 Micah Projects, Commission of Inquiry Submission 198, 8 July 2022 [p 8].

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197 Australian National Research Organisation for Women's Safety, *Accurately identifying the 'person most in need of protection' in domestic and family violence law* (Research Report, Issue 23, November 2020) [p 84].

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200 Exhibit 27.6, Statement of Ian Leavers, Tender Bundle Q, tendered 21 July 2022 [p 14: para 66].

201 Exhibit 27.6, Statement of Ian Leavers, Tender Bundle Q, tendered 21 July 2022 [p 14: para 66].

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205 Victoria Police, *Code of practice for the investigation of family violence* (Edition 4, Version 1, 2022) [pp 29–31].

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213 Transcript of proceedings, Emma Wilson, 25 July 2022, Brisbane [p 938: lines 16–28].

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224 Exhibit 1.2, Statement of Chief Superintendent Ben Martain, Tender Bundle A, tendered 11 July [p 11].

225 Exhibit 1.11, Professor Mark Keibell, *Evaluation of the Domestic Violence Protective Assessment Framework for Reliability and Validity* (2019), Tender Bundle A, tendered 11 July 2022 [p 40].

226 Transcript of proceedings, Constable Andrew Sinclair-Ford, 13 July 2022, Brisbane [p 304: lines 10–22].

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229 Screaming Birds Consultants, *"Keeping Eyes on the Perpetrators" Multi-agency triage and case lead allocation (MATCLA) Sunshine Coast – Review* (Report, February 2022) [pp 19–25].

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236 ‘Family Violence Intervention Program (FVIP)’, *ACT Victim Support* (Web Page, 3 April 2018) <<https://www.victimsupport.act.gov.au/victims-of-crime-commissioner/fvip>>.

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238 Evaluation Report Project Hera, June 2019, provided by YFS in response to the Commission Requirement, NTP 5.001, Item 1, requested 24 June 2022.

239 Molly Dragiewicz, Jeffrey Ackerman and Casey Cale, *Pilot Evaluation Study Domestic Violence Advocate Colocation at two Queensland police stations* (Final Report, 20 July 2022) [p 34].

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241 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 68].

242 Exhibit 18.2, Professor Silke Meyer, *Expert Report – Queensland Police Service responses to domestic and family violence* (17 July 2022), Tender Bundle L, tendered 28 July 2022 [pp 9–10].

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246 Exhibit 15.2, Statement of Emma Wilson, Tender Bundle I, tendered 21 July 2022 [p 2].

247 Transcript of proceedings, Emma Wilson, 25 July 2022, Brisbane [p 939: lines 25–37].

248 For example, a trial was funded between August and December 2021 in the Logan area with The Centre for Women & Co.

249 Exhibit 27.4, Statement of Acting Inspector Brett Jackson, Tender Bundle Q, tendered 5 August 2022 [p 3: paras 19– 22].

250 An exception to this is the Brisbane Domestic Violence Service’s Safer Lives Mobile Service, operated by Micah Projects.

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252 Rosemary O’Malley, Meeting with the Commission of Inquiry, held on 29 June 2022.

253 Transcript of proceedings, Chief Superintendent Ben Martain, 11 June 2022, Brisbane [p 112: line 38 – p 113: line 20].

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261 The Centre for Women & Co., Commission of Inquiry Submission 153, 25 June 2022 [p 8].

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267 Molly Dragiewicz, Jeffrey Ackerman and Casey Cale, *Pilot Evaluation Study Domestic Violence Advocate Colocation at two Queensland police stations* (Final Report, 20 July 2022) [p 34].

268 Molly Dragiewicz, Jeffrey Ackerman and Casey Cale, *Pilot Evaluation Study Domestic Violence Advocate Colocation at two Queensland police stations* (Final Report, 20 July 2022) [p 34].

269 Molly Dragiewicz, Jeffrey Ackerman and Casey Cale, *Pilot Evaluation Study Domestic Violence Advocate Colocation at two Queensland police stations* (Final Report, 20 July 2022) [p 36].

270 Molly Dragiewicz, Jeffrey Ackerman and Casey Cale, *Pilot Evaluation Study Domestic Violence Advocate Colocation at two Queensland police stations* (Final Report, 20 July 2022) [p 36].

271 Molly Dragiewicz, Jeffrey Ackerman and Casey Cale, *Pilot Evaluation Study Domestic Violence Advocate Colocation at two Queensland police stations* (Final Report, 20 July 2022) [p 36].

272 Molly Dragiewicz, Jeffrey Ackerman and Casey Cale, *Pilot Evaluation Study Domestic Violence Advocate Colocation at two Queensland police stations* (Final Report, 20 July 2022) [pp ii–iii].

273 Molly Dragiewicz, Jeffrey Ackerman and Casey Cale, *Pilot Evaluation Study Domestic Violence Advocate Colocation at two Queensland police stations* (Final Report, 20 July 2022) [p 35].

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275 Jess Rodgers et al, *Evaluation of an Embedded Specialist Domestic Violence Worker: A Partnership between Queensland Police Service and Domestic Violence Action Centre* (Report, April 2022) [p 73].

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279 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [pp 4–16]. See Appendix F: Survey Analysis of this Report for greater detail.

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283 HRD response, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.038, Item 5, requested 12 August 2022.

284 ‘Diversity and Inclusion’, *Queensland Police Service* (Web Page, 15 March 2022) <<https://www.police.qld.gov.au/units/police-recruiting/diversity-and-inclusion>>.

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287 Office for the Minister for Public and Corrective Services and Minister for Fire and Emergency Services, Queensland Government, ‘Record Police Budget, record number of Police Recruits sworn in’ (Media Statement, 30 June 2022).

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- 295 Queensland Police Service, *Longitudinal Study of 2021 Recruits* (Final Report, 14 January 2021) [p 14].
- 296 The recent recruit campaign “Made for It” centres on the stories of four serving police officers and what motivated them to join. These four officers are a mix of men and women and emphasise the importance of domestic and family violence victim-survivors, and Indigenous people, to apply. The Queensland Police Service Recruiting website also displays gender and cultural diversity in the images of police officers: ‘Police Recruiting’, *Queensland Police Service* (Web Page) <<https://www.police.qld.gov.au/units/police-recruiting>>.
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- 298 Exhibit 5.1, Statement of Acting Assistant Commissioner Mark Kelly, Tender Bundle B, tendered 12 July 2022 [pp 12–13].
- 299 Queensland Police Service, *Longitudinal Study of 2021 Recruits* (Final Report, 14 January 2021) [p 10].
- 300 Exhibit 5.1, Statement of Acting Assistant Commissioner Mark Kelly, Tender Bundle B, tendered 12 July 2022 [p 12: paras 75–79].
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- 307 Exhibit 28, Written responses provided by Mark Kelly to additional questions, Tender Bundle Q, tendered 5 August 2022 [p 3].
- 308 Transcript of proceedings, Constable Zak Holliday, 21 July 2022, Townsville [p 763: line 24].
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- 310 Transcript of proceedings, Senior Constable Michael Festing, 9 August 2022, Mount Isa [p 1887: line 45].
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- 325 Exhibit 16.4, Statement of Joanna Mason, Tender Bundle J, tendered 26 July 2022 [pp 1–2].
- 326 Transcript of proceedings, Joanna Mason, 26 July 2022, Brisbane [p 1064: lines 35–40].
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## **PART 3**

# **THE CULTURAL CHANGE NEEDED**

## 7 Sexism and misogyny

Sexism and misogyny describe negative attitudes and beliefs about women ranging from the belief that women are inferior to men to contempt for, or ingrained prejudice against, women. Sexism and misogyny can lead to behaviours such as sexual discrimination, bullying, sexual harassment and sexual assaults, as well as other forms of poor treatment of women.

This chapter sets out the evidence heard by the Commission about the significant issues of sexism and misogyny within the ranks of the Queensland Police Service (QPS). It also considers evidence which tends to suggest that the problem is more prevalent than the organisation understands.

The chapter considers the evidence which demonstrates that, in some cases, poor police responses to domestic and family violence, are underpinned by attitudes of sexism and misogyny rather than simply a lack of training about domestic and family violence, or the procedures which ought to be followed when responding to it. It considers recent failures of leadership to stamp out sexism and misogyny in the organisation.

The QPS has taken steps to address the problem of sexism and misogyny by establishing Project Juniper in 2019 and later, the Workplace Assessment and Support Team and Cultural Transformation Team in 2020, which have recently been reviewed and will require enhancement. The organisation has also encouraged officers to become involved in a number of policing associations that promote, assist and support women in leadership in policing. The chapter concludes by making recommendations intended to assist the organisation to further address the problem.

### SEXISM AND MISOGYNY IN THE QPS

At a Commission hearing on 18 August 2022, Police Commissioner Katarina Carroll acknowledged that there are cultural issues relating to sexism, misogyny and racism in the QPS. In respect of those issues, she said:

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**I think they're significant and I think there's areas of concern. But the numbers of complaints and the data that I have compared to the contacts that we have with people in the community, I don't know if they make it to the definition of "widespread". I admit that there are issues in the organisation.<sup>1</sup>**

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Before the Police Commissioner gave that evidence, most of the submissions the Commission received from QPS members told of cultural issues more specifically related to the ways that the QPS responds to domestic and family violence in the community.

Following the Police Commissioner's evidence, the Commission was inundated with contact from QPS members who wanted to share their experiences of sexism and misogyny in the organisation. After that time, 329 QPS members made submissions, most of which related to issues of sexism and misogyny and racism in the organisation, and disappointment in the organisation's leadership.

Less than five submissions said that sexism and misogyny is not a problem in the organisation. Most said that sexism and misogyny is a problem, with some describing it as rife throughout the QPS. Many officers provided details of sexist conduct, such as sexual harassment, sexual assaults or rapes, that had happened to them or someone they knew in the QPS.

Most of these submissions were made confidentially because of a fear of reprisal by the organisation, or a fear of being seen as a 'dog' by their colleagues, if it became known they had spoken to the Commission.

QPS members repeatedly told the Commission they had not told the QPS about the matters they relayed to the Commission, for various reasons including that they feared:

- the matter would not be dealt with appropriately
- they would be seen as a 'dog'
- they would not be believed
- their career would be damaged as a result of making a complaint.

The Commission has not provided those confidential submissions to the QPS or anyone else and, as a result, the QPS and the other parties do not know the extent of the information provided to the Commission or the details in individual submissions.

The Commission acknowledges that this means that neither the QPS nor the other parties are in a position to comment on their contents. However, in many cases, in addition to the submissions, the Commission obtained disciplinary records and other files from the QPS under compulsion, which supplemented the information contained in them.

Throughout the submissions, QPS members expressed relief that the Commission was examining the issues of sexism and misogyny, as well as hope that, by having a light shone on the issues, there would be some positive change in the organisation.

## THE NATURE AND EXTENT OF SEXISM AND MISOGYNY IN THE QPS

The material received by the Commission from QPS members and the organisation shows that sexism and misogyny is indeed a significant problem in the QPS.

The Commission has seen that the problem takes many forms, including sexist language, bullying and discrimination. It also takes the form of sexual harassment, sexual assault and, in some cases, rape by male QPS members of their female colleagues. It impacts women at all stages of their career, regardless of their experience or location.

It is now well known that sexual harassment and assaults are under-reported in the wider community. Under-reporting is likely to be magnified for women in the QPS where there is a culture of fear and silence which inhibits the making of complaints within the organisation. This means that it is difficult for either the Commission or the QPS to measure the extent of the problem of sexism and misogyny generally, and the prevalence of sexual harassment, sexual assault and rape specifically.

In considering the evidence of sexism and misogyny within the QPS, the Commission is cognisant that many male officers do not hold these attitudes and beliefs or engage in such conduct. It should not be thought that, because this chapter sets out evidence of sexism and misogyny in the organisation, the Commission considers that all male officers behave in such a way. That is plainly not the case.

However, as will be seen, the issue is a significant and seemingly deeply entrenched one that will require considerable effort by the organisation to successfully address.

## SEXISM AND MISOGYNY AT THE ACADEMY AND IN THE EARLY YEARS

The Commission heard from QPS members that sexism and misogyny in the QPS starts at the Queensland Police Service Academy (Academy). One woman explained:

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**During my recruit phase at the Academy when I was twenty years old, there were several male training officers who ogled me and made inappropriate comments toward me. I was aware that I was not the only woman targeted and rumours flew about sexual indiscretions among the ranks toward female recruits.<sup>2</sup>**

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That woman, who was a recruit nearly 15 years ago, said that the female recruits were given a warning to watch their reputation. She explained:

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**During assessment phases, the class facilitators ran verbal feedback sessions. On one of these sessions I was lectured to “watch my reputation”. It was insinuated that this advice related to sexual exploits within the Service. I was taken aback and surprised that I was given this advice and felt shamed, judged, and undermined for the hardworking professionalism I had contributed to the organisation at that point. I also found the advice to be confusing, as the only thing I had done to earn this lecture was to be young, single, and female. I wondered if they singled me out for a reason and asked fellow recruits about this. I found that the facilitators had given the same lecture to many other young single females in my intake but not to any men that I knew of.<sup>3</sup>**

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Another QPS member explained that women in her cohort at the Academy were given similar lectures which included a warning that their male colleagues would try to hit on them. She said:

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**When I was at the Academy, all the girls were taken aside and given a talking-to as a group by a female Snr Sgt that policemen would try to hit on us and to be aware of it. The male recruits were not given anything similar. On courses until recently and it may still exist, the attendees are told to not go near the recruits as the recruits ie the female ones would fall for them and that can cause trouble. At the Academy we “learned” the four things that can get you into trouble as a police officer “Paperwork, Property, Piss and Pussy” and this is still around.<sup>4</sup>**

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The Commission heard from QPS members that these sorts of warnings had been given to female recruits at the Academy for a long time and were still occurring.

Material provided by the QPS confirms the accuracy of this information.

The information provided by the QPS demonstrates that, for at least the last 10 years, female recruits at the Academy are given “a talk about their reputation and what to do if they [are] subjected to sexual harassment” prior to their induction. This talk was most recently given to women in the second recruit intake for 2022.<sup>5</sup>

The facilitator who gives the talk, who is a Sergeant, informs the women about what they can expect when they start as First Year Constables. Recruits are informed that First Year Constables, especially women, are sometimes referred to as “fresh meat” and that, although most male officers are respectful of women, “there are the occasional bad ones who can be predatory”.<sup>6</sup>

The facilitator shares her own experience of sexual harassment in the organisation and reassures the women that if it ever happens to them, they must tell someone they trust. The facilitator then warns them about protecting their reputation as women in the organisation. In a statement provided to the Commission, she explained her practice in this regard as follows:

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**I then discuss the importance of their reputation and credibility. I discuss the reality that if they are intimate with a colleague, the male officer will be labelled a ‘hero’ and the female a ‘slut’. I reinforce that this is wrong and that female officers should never be labelled with this term but I remind them that the reality of being in a male dominated work place means that this is what happens.**<sup>7</sup>

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The Commission notes that this session is not part of the formal curriculum, but that time is scheduled for it at the end of the recruit program and before induction. In the Commission’s view, the fact that at least one facilitator considers it necessary to warn women recruits about the existence of the occasional predatory male officer they may or will encounter speaks to the culture of the organisation.

The acknowledgement that a sexual relationship between colleagues will result in a woman’s reputation being damaged, and a man’s enhanced, also speaks to the culture of the organisation and the level of sexism that prevails in it.

Given the evidence of sexual harassment in the organisation, the Commission considers that this is an issue which should be addressed as part of the formal curriculum and a recommendation to this effect is made at the end of the chapter.

The session should be directed to ensuring new recruits understand the nature of sexual harassment and what the mechanisms are for reporting it. A strong undertaking from the QPS that they will be supported if they make a complaint is also required to make it clear such conduct will not be tolerated by the organisation. Of course, for this to work, the QPS will need to ensure that a cultural change occurs which makes reporting such matters consistently safe for female QPS members. This is not presently the case, as will be discussed later in this chapter and in Part 5 of the Report.

QPS members told the Commission that the sort of predatory behaviour they are warned about at the Academy does in fact happen to First Year Constables.

One woman, who has since left the QPS, shared her experiences as follows:

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**[A]s a First Year Constable I worked with a male officer whose opinion of female police officers was to refer to them as ‘front bums’. I also had two married, higher ranking colleagues cross boundaries with me as a younger female officer. Lots of excessive drinking, poor behaviour & infidelity & entitlement. A colleague of mine was driven to a secluded place one evening during a shift & propositioned by a male colleague. Others propositioned & bullied.**<sup>8</sup>

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Officers told the Commission of instances of women being rated on their attractiveness when starting at a new workplace within the organisation. One QPS member’s experience was:

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**When I commenced as a First Year Constable at my first station, my level of attractiveness had already been evaluated among the male population in the station because, I later found out, that male officers make a habit of looking up new female officer’s service (badge) photograph on our internal computer system to assess if they are attractive or not. My husband, who is a serving member of this station confirmed that is what happened when I commenced at my first station and told me of other occasions where his fellow officers look up the photographs of incoming policewomen. I have never understood why a woman’s attractiveness matters professionally and was especially frustrated knowing that most of the officers engaging in this behaviour are married men. I felt objectified and judged before I even worked one shift and was also self-conscious about how I appeared in front of my colleagues.**<sup>9</sup>

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The Commission found further examples of sexual harassment and predatory conduct by male officers towards junior female colleagues in material provided by the QPS.

In one instance, in December 2020, a Sergeant, who was a shift supervisor, harassed a First Year Constable by giving her extra attention, sitting overly close to her and arranging for the two of them to be alone at the station together by changing their taskings. Despite being asked to cease his behaviour, he continued until the First Year Constable left the station.<sup>10</sup>

In May 2021, the same Sergeant harassed another female Constable by touching her needlessly, stretching his groin in front of her and commenting on her appearance.<sup>11</sup>

In another example, in February 2021, a Senior Constable harassed a First Year Constable immediately upon her placement at his station. He asked for her phone number on her first shift, added her on social media, sent her daily messages, called her pet names and requested that she massage him.<sup>12</sup>

The Commission accepts that conduct of this kind is likely to be under-reported. In addition to the other factors (discussed later in this chapter) which are likely to result in under-reporting, the power imbalance between a First Year Constable and another, usually more senior officer, is likely to exacerbate the fear of speaking up.

However, given the material seen by the Commission, and in light of the warnings given to new recruits about predatory behaviour and the sexist views held about women in the organisation, the Commission is satisfied that sexism, sexual harassment and predatory behaviour towards First Year Constables and junior female officers is a significant issue.

## SEXIST LANGUAGE AND BEHAVIOUR

Even after their early years in the QPS, women experience sexism and misogyny in the form of sexist language, bullying and discrimination.

Some of the conduct reported to the Commission illustrated the warning given to female recruits at the Academy about the ways men and women are viewed and treated differently within the organisation if they engage (or are rumoured to engage) in relationships with colleagues. One male QPS member provided this illustration of that difference:

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**The QPS has a bad culture of turning a blind eye when it comes to extra-marital affairs. I confronted a male colleague who was in a committed relationship when he was taking advantage of a drunk younger female officer. As a result of the confrontation his partner found out and their relationship ended, however the OIC... pulled me into his office about this and suggested it would be my fault if the officer's partner became depressed or suicidal rather than placing the blame on the individual who had done the wrong thing. He stated he has witnessed similar behaviour in his career but chose to ignore it rather than speaking up and recommended that I do the same. I find this a horrible stance and believe this attitude would have an adverse effect on how female officers are treated at work. We should be speaking up for women being treated poorly both in and outside of the workplace. This same OIC spoke to a married female colleague I have worked with for years, since her first year, in regards to a baseless rumour circulating that we were having an affair based solely on the fact that we are friends and get along really well. She was told that it could be perceived that more was going on due to our friendship rather than attempting to stamp out such nonsense. Meanwhile, as a male officer I was never spoken to by anyone which would indicate that my behaviour was fine while hers was not, clearly placing different standards on the behaviour of men and women. Instead of confronting the issue, myself and that officer have noticed that we are no longer rostered to work together, despite it being a regular occurrence previously and achieving results significantly higher than the majority of the station. This**

**measure has not been mentioned to myself or my colleague, but we believe this measure has been put in place by our OIC and gives the perception to other staff that our behaviour was inappropriate. It is extremely disappointing that the perception that men and women can't be friends still exists in 2022 within an organisation that claims to want equality and that this perception is perpetuated by senior management.**<sup>13</sup>

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Material obtained by the Commission from the QPS included a record of a male QPS member subjecting his female colleagues to the sort of treatment referred to above. In 2021, a Senior Constable spread baseless rumours about two officers, junior in rank to the Senior Constable, having an affair. He was told to cease, but did not, even going so far as to tell the partner of one of the officers.<sup>14</sup>

It appears that sexist language in the organisation is also commonplace.

Two senior ranking officers made sexist comments at senior leaders' conferences, shortly before the Commission was established, in March and April 2022. It is unsurprising, then, that the Commission heard from officers of sexist language being used at different levels throughout the organisation. One QPS member gave the following example about sexist language used in relation to women:

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**An OIC in a regional area was introducing a new female officer at a public meeting and introduced her as the "new vagina" in the office.**<sup>15</sup>

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One of the senior leaders referred to above used the term "*vagina-whisperer*" at a conference. It is perhaps almost inevitable that similar language would be used by other officers in the organisation when it is modelled by a senior leader.<sup>16</sup>

Sexist language, and other sexist behaviours which exclude women, have the effect of devaluing and isolating women in the workplace. One QPS member informed the Commission of the following example of sexist language and behaviour directed to a female Sergeant:

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**A female Sergeant ... was harassed and bullied by senior male police at her station [until] she had to take long term sick leave and was ultimately medically retired. The officer was bullied simply for being a female Sergeant. Inappropriate, disrespectful and offensive comments often made to the Sgt by senior male officers:**

Calling her a "Princess" in front of junior staff

Being told "to get me a cup of tea wench"

Being told "we don't need any more girls at the station"

A picture of a 1970's police woman wearing a



**skirt and carrying a handbag was stuck to the hot water urn (sic) and senior male police would often point to the picture and say “that is where police women should be...in the kitchen making men tea and scones”.<sup>17</sup>**

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The Commission also saw evidence of conduct of the kind described above in material obtained from the QPS. In one case, an Officer in Charge of a station declared, in respect of two female applicants for positions in his station, that *“these lickers will never get a job in this station”*. In that same station, sexist material was permitted to be displayed on the station fridge, including a picture of a woman in a swimsuit with the words, *“tap and go”* on it, and other magnets of women in lingerie.<sup>18</sup>

## **SEXISM IMPACTING CAREER DEVELOPMENT**

In addition to sexist language and behaviour, there is also a strong perception among QPS members that women are not treated fairly when it comes to job opportunities and promotions in the QPS. Officers reported that women are less likely than their male counterparts to get promotions and relieving opportunities. By way of example, one QPS member said:

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**I personally have been a victim of sexism. No surprise when the QPS is heavily male dominated, and it’s always been a ‘pissing contest’ between them to see who gets on what course or promotion first. If you are a female trying to get on a course, promoted or wanting to relieve in a different unit or higher rank position, it is near to impossible. I personally have had males who were younger in both age and in service get to go on special training courses with no ‘waiting their turn’ or being told ‘we don’t have enough staff’, or ‘you are too junior in service to be eligible to go on this course’. I had to wait my turn.<sup>19</sup>**

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Officers told the Commission that, when women do get promotions, comments are often made which suggest the promotion was not achieved on merit, or was only achieved because of the woman’s gender or, even worse, was achieved because the woman had engaged in sexual favours to obtain it. A woman who had such an experience told the Commission:

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**Officers who were personally supportive but who were indoctrinated by this negative culture, told me to just ignore the behaviour and no matter what not to respond in anyway. I was told the behaviour would pass if I did so. I was reassured that I was deserving of the promotion but it was happening to all the girls who got promoted at that time. There is never a time when a woman is promoted in the QPS that does not generate responses that she only got it because she was a woman or she slept her way there.<sup>20</sup>**

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In a similar vein, the comment made by one of the senior leaders at a QPS conference earlier this year suggested that a high-ranking female police officer received sexual favours from a male police officer applying for a promotion. The ‘joke’, which relied on the suggestion that the female QPS officer had *“shut her legs”* on the face of a man applying for a promotion, was plainly disrespectful of the woman involved in that process.<sup>21</sup>

In addition, officers told the Commission that there is still a perception that women must work twice as hard as men to get recognised or promoted. In this regard, one QPS member said:

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**I was accused by a senior female officer of sleeping my way to promotion and have been told by others that “it’s easy for me because I am a pretty girl” and somehow that is a compliment. Being told by other women that you will be automatically be labelled a “lesbian or a slut” by the men you work with I know still occurs too. The guy that told me my “tits look great in that shirt” was laughingly told it wasn’t funny and that was it. Every woman I know has a story about how they were given a promotion or a work placement due to their gender, sexuality, race or perceived promiscuousness but I have never heard a man being accused of the same thing.**

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**We still have to work twice as hard to be taken half as seriously and I am so glad that this Commission is occurring to let the general public know that this is a very different and hard job for a woman.<sup>22</sup>**

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It is quite clear that the views about the disadvantages faced by female QPS members in relation to job opportunities and promotions are held by more than a few in the organisation. The 2021 Working for Queensland survey results for the QPS show that many people consider that it is harder for a woman than a man to get ahead in the organisation.

The results show that:

- only 55% of respondents consider that gender is not a barrier to success in the QPS. This result is 14 points lower than the result for the Queensland public sector generally
- only 55% of respondents consider that women and men have equal access to work experiences that support career progression. This result is 12 points lower than the result for the Queensland public sector generally
- only 25% of respondents consider that recruitment and promotion decisions in the QPS are fair. Three quarters of the respondents disagreed with that statement or were unsure. This result is 13 points lower than the result for the Queensland public sector generally.<sup>23</sup>

The full range of responses to these questions are set out below:



Figure 22: Responses to questions related to gender and recruitment in Working for Queensland Survey 2021

On the question of job opportunities within the organisation, one QPS member explained that the issue goes beyond one of unfairness and extends to male officers expressing a preference for attractive women. That officer said:

... the sexualisation of females is rampant, with it acceptable for members to explicitly state preference for younger/attractive female staff members. Conversations that may have once been appropriate at the pub amongst mates is generally considered totally acceptable in the workplace. When I describe the QPS culture to new employees, I typically warn them that it is like the 1980s - the men have just learnt they're not allowed to touch the women's bottoms but they still don't really understand why.<sup>24</sup>

The Commission found evidence of the sort of sexist conduct referred to above in material obtained from the QPS, including in complaint files.

In one case that came to light this year, a Detective Senior Sergeant told members of his work unit that he wanted a particular female officer to work at the unit because he had a sexual interest in her. He introduced her to other members of the unit, later telling unit members that he had seen her genitals.<sup>25</sup> In another instance, in respect of a complaint lodged in 2021, a Sergeant at a Police Citizens Youth Club

told colleagues that they needed a “*hot little piece*” such as a particular female QPS member to work at the club in order to attract men to join.<sup>26</sup>

The Commission also received submissions which remarked on the respectful male officers submitters had worked with. Such submissions noted that their experiences of the organisation were generally greatly improved when they worked with respectful and inclusive supervisors and colleagues.

## SEXUAL HARASSMENT, SEXUAL ASSAULTS AND RAPE

Officers told the Commission that sexual harassment is common in the organisation. In a smaller number of submissions, women also reported instances of sexual assaults and rape by male colleagues.

The Commission also saw recent examples of sexual harassment in records obtained from the QPS. In one case, a Senior Constable harassed three female Constables over a six-month period in 2021. He made sexualised comments to the women at work, and asked them inappropriate questions, such as whether they enjoyed anal sex. He commented on their appearance, telling one that he “*just wanted to watch [her] bend over*”, and told another that looking through her social media profile gave him “*pleasure*”. He invaded the personal space of all three women and took photos of one while she was sitting at her desk, telling her he had uploaded it to Snapchat for his friends to see. All three women were made to feel uncomfortable by his behaviour, with one describing that she felt physically sick going to work when he was there.<sup>27</sup>

In another case from 2021, a Sergeant, who was an Officer in Charge of a station, repeatedly asked his male colleagues whether they would “*lick the moot*” of female officers and members of the public and hounded them until they answered him.<sup>28</sup>

In a further example from 2021, another Sergeant made inappropriate comments to a female QPS member which included remarking on her appearance in a sexually suggestive way.<sup>29</sup>

Also in 2021, a Senior Constable, who was the administrator of a closed Facebook group for members of his station, posted sexist and demeaning content to be accessed by members of the station. One of the posts depicted a woman who had just given birth, naked and with her legs spread. In another one, he asked a male colleague who was in hospital for “*pics of [his] wife – just so we know who to look for after the wake...*”.<sup>30</sup>

In 2022, a Senior Constable completing an Online Learning Product about domestic and family violence said, “*[i]t is easy to see this was written by a fat lesbian with hairy armpits*”. The same officer also made comments in relation to the appearance of two female colleagues and stared suggestively at another female colleague as she walked past him.<sup>31</sup>

In each of the matters referred to in the preceding five paragraphs, the offending conduct was dealt with by way of Local Management Resolution. Local Management Resolution is considered in further detail in Part 5 of this Report. The Commission considers that Local Management Resolution is an inadequate response to sexist and misogynistic conduct. Not only does it have the effect of confirming the view of many QPS members that there is little point in reporting such conduct, it also sends a message that the organisation does not consider such conduct to be serious.

In this way, the Commission is concerned that the organisation’s responses to sexist and misogynistic conduct at times not only fail to stamp out sexism and misogyny but instead create conditions where they can flourish.

When the Police Commissioner gave evidence to the Commission in October 2022, she appeared surprised by the prevalent use of Local Management Resolution as a means for dealing with sexist and misogynistic conduct.<sup>32</sup> In the Commission’s view, there has been a lack of leadership oversight in respect of the organisation’s responses to sexist and misogynistic conduct and in relation to the use of Local Management Resolution generally.

Under-reporting makes it difficult to determine the prevalence of sexual harassment in the QPS. The Commission notes that two per cent of respondents to the 2021 Working for Queensland survey indicated that they had experienced sexual harassment in the last 12 months.<sup>33</sup> If correct, and if it is assumed that that percentage can be extrapolated to the population of the approximately 17,000 member QPS workforce, that response would indicate that some 340 QPS members had experienced sexual harassment in the last year alone.

However, the Commission considers the prevalence is likely to be greater than the survey results indicate. There are a number of reasons for this. First, more than 30% of the organisation did not respond to the survey. It is reasonable to assume that a significant proportion of those who are disengaged from the organisation would be among the cohort that did not respond, and that there may well be members who had been subjected to bullying or sexual harassment within that disengaged cohort.

Second, the Commission heard concerns from QPS members, and a number of the free-text responses to the survey point out, that the extent of the demographic data obtained by the survey answers (such as rank, years of experience and location) is likely to lead many respondents to fear they could be identified. The QPS submits that there are safeguards in place to ensure anonymity for people who complete the Working for Queensland survey, but it seems that there are QPS members who do not trust that this is so.

Third, other free-text responses to that survey indicate that some work units were warned by area supervisors that unfavourable results would lead to more scrutiny by the organisation and so were urged to respond favourably. There is a real possibility that survey respondents who received such a warning may not have reported sexual harassment if they had experienced it.

It is, therefore, not possible for the Commission to determine the extent of the problem of sexual harassment in the QPS. On the evidence before the Commission, however, it is clear that sexual harassment is a significant problem and is under-reported.

Any form of sexism and misogyny in the workplace is troubling. However, astonishingly, in the QPS sexism and misogyny extend to sexual assaults and, occasionally, rape by male colleagues, much of which goes unreported and therefore unknown to the organisation. In the Commission’s view, while such serious criminal offences are always inexcusable, it is particularly disturbing when they are committed by those whose duty and responsibility it is to uphold the law and protect the community. The fact that women in the organisation say they are too scared to report the conduct makes it far worse.

Officers told the Commission of being sexually assaulted or raped themselves or knowing colleagues who have been. The Commission heard from a number of women who had been sexually assaulted by their male colleagues in police cars or been sent unsolicited photographs of their colleagues’ penises. One woman told the Commission:

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**Regarding QPS culture, I don’t really know where to start but misogyny is alive and well but sometimes you are so used to it you don’t even realise. Plus as a women I am used to giving up some of my power just to get at the table with the men. It’s about having a training officer stroking your leg while you go code 2 to a job telling you he will look after you, it’s about being told you are lucky to have a job when you are pregnant by your boss, it’s about senior sergeants sending dick pics to subordinates or asking subordinates to send them nudes, its about senior officers sleeping with subordinates, it’s about walking into a room of managers and being one of only a few females, it’s about watching the boys get access to relieving and then promoted while you can’t even get a performance conversation going with your male boss. If the men in the organisation can’t respect the women they serve beside how can they respect the women they serve?** <sup>34</sup>

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Some officers told the Commission of instances of sexual assaults at work functions. In that regard, one QPS member told the Commission:

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**There are many instances of male QPS members behaving inappropriately in work/social settings like Christmas parties, or after work drinks. On several occasions, I was either verbally sexually harassed by male QPS officers, or physically sexually assaulted...**

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**There is a certain amount of leeway given and sometimes comments are just banter and male officers want to get a negative reaction out of you. And I will acknowledge that police officers do see the worst of society and over time, that skews your view of the world. However, I think this is indicative of a larger problem with devaluing and dehumanising women and people of different cultural background who exist outside of the norm, which is predominately white, straight and male.<sup>35</sup>**

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Another QPS member told the Commission that she was sexually assaulted and threatened with rape by two officers in the last decade, but did not report the matters for fear of being seen as a 'dog'. She said:

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**I joined the QPS as a young, fit 21 year old female. I never realised when joining that I would be subjected to continual sexual harassment, sexual assault and misogyny that must be accepted, because if you make a complaint, you are seen as a 'dog'.<sup>36</sup>**

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Some of the reports made to the Commission were of recent sexual assaults. Others occurred many years ago but continue to affect the victim because it had not been reported and the incident was, therefore, still unresolved. One QPS member relayed a sexual assault perpetrated on her by two male colleagues, in the presence of other male colleagues, that occurred 22 years ago. It was a serious incident which involved her being physically restrained and assaulted. She said:

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**I never reported it. I was in my 20's and was a constable. There were senior officers in the room that did nothing but watch. It was built into us not to 'dog'. I blamed myself and probably still do to a point. I am easy going and friendly and I think this made me a target. The fact is I didn't get raped and I tell myself that it wasn't that bad anyway. 22 years later and I can still remember it like it was yesterday. I have trouble attending police gatherings at times as I am always waiting for something bad to happen. We arrest people for this behaviour, yet they felt it was OK to do this to another employee.<sup>37</sup>**

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Another QPS member told the Commission of being sexually assaulted in 2020 by a superior officer as she was leaving her station. She said:

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**He reached out to hug me. Whilst hugging me [he] reached his hand down towards my buttocks with an open hand before grabbing and squeezing on my buttocks. I can't recall exactly how many times but I remember it being a few. Whilst doing this (he) also made a grunting noise.<sup>38</sup>**

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Material obtained from the QPS included records of male police officers who had sexually assaulted female colleagues, usually junior colleagues. Serious sexual conduct or assaults which were known to the organisation, committed by two officers against many female QPS members, included the female QPS members being:

- followed into a female bathroom on nightshift by a senior officer who said, *"I thought you told me to come in here for a blow job"*<sup>39</sup>
- touched on the bottom and back immediately prior to a job interview by a more senior male police officer on the interview panel<sup>40</sup>
- hugged and having her breast cupped by a supervising male police officer<sup>41</sup>
- touched, massaged, having their hair played with and being hugged and kissed<sup>42</sup>
- rubbed on the vagina, outside the clothes, without consent<sup>43</sup>
- asked to permit a more senior male officer to perform oral sex on her<sup>44</sup>
- threatened with rape.<sup>45</sup>

A small number of women reported instances of rape to the Commission. One QPS member informed the Commission that she was raped by a male colleague many years ago. While she reported her rape, she also knows of five female colleagues who have not disclosed their rapes for fear of retribution.<sup>46</sup>

A now-retired QPS member told the Commission that she knows of many women who had terrible things happen to them, many of whom left the QPS over the years without making a complaint to the organisation. That woman was recently contacted by a QPS member who informed her she was raped by a male colleague but never reported it to the organisation.<sup>47</sup>

Another QPS member told the Commission that she did report her rape but was discouraged from making a formal complaint because her complaint was a case of word against word:

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**I never suffered from racism whilst in the QPS. But I certainly was the victim of sexism, misogyny, bullying and sexual harassment because I was female. I had four serious matters I reported swept under the carpet and treated like I was the perpetrator.**

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First complaint was a rape by a colleague, which I was told – word vs word, no witnesses, no physical evidence, no one would believe me and I'd be called a dog which would follow me for the rest of my career. I essentially was given a pat on the head and told to get over it. They at least moved me stations.<sup>48</sup>

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It is deeply concerning that, in addition to having endured the trauma of sexual assault or rape, there are women who have not reported, or not formally reported, such criminal conduct.

As with sexual harassment, it is difficult to assess with any confidence the prevalence of sexual assault and rape within the QPS because it is under-reported.

The Commission has not made any determinations of individual cases of sexual assault or rape, although it has seen instances where the QPS has itself substantiated complaints of sexual assaults. The Commission is satisfied that both types of offences have occurred within the organisation but is unable to determine when or how often. However, given the serious criminal nature of sexual assault and rape, even a single instance of such conduct by a male officer toward his colleague is intolerable, and worse when it is unreported and therefore uncharged.

The Commission is concerned that conduct which is sexist and misogynistic in nature is under-reported but, even allowing for that, still evident. The Commission considers that the sexist conduct which is known to the organisation, or that has come to light as part of this Inquiry, is likely to be only the tip of the iceberg.

The next section considers the reasons why there is under-reporting of these issues.

## A CULTURE OF FEAR AND SILENCE STIFLING REPORTS

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There is a strong culture of fear and silence in the QPS when it comes to making a complaint about the conduct of a fellow officer. This culture of fear and silence makes it impossible for the QPS to assess the extent of the problem of sexism and misogyny in the organisation.

As noted in Chapter 3, this culture was starkly highlighted by the large number of QPS members who insisted on anonymity or confidentiality when providing information to the Commission. It was also confirmed by the number of QPS members who requested confidentiality in respect of their interviews with Mr Mark Ainsworth, a retired senior QPS officer and an independent consultant engaged by the Commission.

There is a significant body of material before the Commission which demonstrates that this strong culture against speaking out has had a chilling effect on the reporting of sexual discrimination, harassment and assaults.

## EXAMPLES OF CONDUCT NOT BEING REPORTED TO THE ORGANISATION

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Evidence was provided to the Commission that it was not just victims who were reluctant to speak out about sexist and bullying conduct; witnesses were also often unwilling to speak up. By way of example, one officer told the Commission:

**During my investigations I spoke with numerous officers who refused to provide me details of bullying because of the fear of repercussions. I was particularly surprised by the fear exhibited by some of the male officers who I would ordinarily classify as alpha males...<sup>49</sup>**

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The Commission saw numerous examples of both victims and witnesses being too scared to speak up in material provided by the QPS.

In one case, the leader of a work unit, a Detective Senior Sergeant, engaged in sexual harassment and bullying of the members of his unit for two years before his conduct was investigated in 2022.<sup>50</sup> An internal investigation found that he had frequently and persistently harassed the women in his unit by making sexual comments and suggestions, speaking about female QPS members in and out of his unit in a sexually suggestive way and showing pornography to junior members of the unit. He had also bullied two men over the same period.

The Detective Senior Sergeant's conduct had a significant impact on unit members. One of the men left the unit, another took long service leave, and one of the women decided to leave the organisation altogether. Despite the misery of their circumstances, no-one made a complaint. The matter came to light only because of the 2021 Working for Queensland survey results which revealed a general level of unhappiness in the unit. Even when the investigation into the cause of the unhappiness was underway, no-one spoke out about the Detective Senior Sergeant's conduct until they were formally directed to do so.

In another case, negative workplace behaviours and bullying engaged in by a Senior Sergeant over a 13 year period only became known when one of the victims of his behaviour finally made a complaint.<sup>51</sup> For nearly 13 years, the broader organisation was unaware of the ongoing negative workplace conduct exhibited by this Senior Sergeant because no-one was willing to speak out against the officer.

In another case, an internal investigation found that a Detective Senior Sergeant had sexually harassed or bullied 26 QPS members over a three-year period between 2016 and 2018.<sup>52</sup> His behaviour was revealed when one woman made a complaint in 2019. The investigation determined that, throughout the period of his offending, the Detective Senior Sergeant's conduct was well known in the district, including, it seemed, by senior management. Not only did 25 of his victims not report the conduct, numerous witnesses who had observed it also did not make reports because they feared reprisal.

In another case, a Senior Constable had targeted junior female officers over a three-year period between 2017 and 2019.<sup>53</sup> The matter was not reported until one victim made a report in 2019.



The internal investigation found that the other female victims had not reported the matter for fear of retribution and being labelled a ‘dog’.

These case studies illustrate the significant impact that fear of retribution and being perceived as a ‘dog’ has on preventing not only victims, but also witnesses, from speaking up and reporting such conduct. They also demonstrate that that fear is in fact stifling the making of complaints.

## **THE FEAR THAT MAKING A REPORT WILL RESULT IN CAREER DAMAGE**

The Commission heard that, in addition to the fear of retribution and being perceived as a ‘dog’, QPS members are also reluctant to make complaints due to a fear that doing so will damage their career.

A former QPS member explained that the fear that making a report will result in career damage can prevent women from ever complaining, across the length of their career, causing them to choose to leave or suffer in silence instead:

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**Since leaving the QPS, I have maintained a network of current and former female QPS officers who have also endured abhorrent treatment from senior ranking officers. A few of the women in my network who have left the QPS because of bullying and harassment are still traumatised by the behaviours which also cut short their careers in the QPS... Some of the current serving women in my network are still exposed to harmful behaviours, however, they are too fearful to speak up with the real possibility of being retaliated against and losing their jobs (in the same way that I did for having the courage to speak up).**<sup>54</sup>

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That fear was echoed by other QPS members who made submissions to the Commission.

The material considered by the Commission demonstrates that this concern is a reasonable one, given the career damage that has been shown to have occurred to female victims who have spoken out.

One of the cases considered earlier serves to show that the fear that speaking out will result in career damage is not only real, but a reasonable one. The conduct of the Detective Senior Sergeant, which had spanned a period of more than a decade and affected many QPS members, only came to light when one of his victims, a female Senior Constable, made a complaint in 2019.

During the investigation, he remained in his role and was given the opportunity to relieve in various higher positions away from his station. Although the investigation substantiated the complaints against him, he returned to his station. Consequently, the female Senior Constable who had made the complaint against him felt she had no choice but to leave the station. The Detective Senior Sergeant has since been made an Officer in Charge of a larger station, while the female Senior Constable remains in a uniform, general duties role.

In respect of that unfairness, the female Senior Constable told the Commission:

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**I was definitely reluctant and scared to make the complaint. It's common knowledge amongst the police that if you make a complaint then you will be regarded as a dog and it will potentially ruin your career, however, it reached a point I felt I had no other choice...**

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**If I had known the outcome of the investigation, I never would have made the complaint, the consequences to myself and my career were not worth the outcome.**<sup>55</sup>

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Two other women who cooperated in that investigation also left the station and their detective specialist roles, and are now working in uniform, general duties roles.

In that case, the District Duty Officer who conducted the initial assessment investigation into the Detective Senior Sergeant's conduct sought help for the three women who paid the price for making the complaint or participating in the investigation. In 2020, he appealed to the Police Commissioner herself on two occasions, asking that something be done to support the women.<sup>56</sup>

None of the three women were contacted by the Police Commissioner or her representatives or otherwise provided with meaningful support by the organisation. In relation to the lack of support provided by the organisation, one of the women said:

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**I can recall when Commissioner Carroll was inducted, she stated one of her priorities was to address bullying in the QPS. Knowing that my complaint was highlighted to the Commissioner I had hoped that there may finally be an outcome that was deserved. However, in response, I received nothing but silence. I am utterly disappointed about the inaction the QPS take on bullying in the QPS. The only outcome of this investigation was that I was punished whilst the subject member was rewarded. This does not pass the SELF test and does not align with the QPS's motto of "Our People Matter".**<sup>57</sup>

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It was only after the Commission drew the Police Commissioner's attention to the organisation's failure to support the women that the three women were contacted in September 2022.<sup>58</sup> It took a Commission of Inquiry for these women to be offered any support from the QPS leadership.

In the Commission's view, this case demonstrates that it is reasonable for women who fear speaking out about sexist or bullying conduct to be fearful. This case, and others like it that the Commission has heard about from QPS members' submissions, shows that women who experience sexual harassment, bullying or even criminal conduct cannot be certain that, if they report the conduct, they will not suffer as a result.

In another case, a female Constable made a complaint of sexual harassment against a male Senior Constable. The Senior Constable was dealt with in 2018 by way of Local Management Resolution. Two years later, the female Constable resigned. In her resignation letter, she wrote:

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**I made a justified complaint about sexual harassment in the workplace. A complaint I had evidence of, in the form of months worth of text messages. I had the right to come to work and not be sexually harassed. After repeated attempts to shut the advances down, I asked for help. I was then victimised and bullied by another male colleague when all I had wanted was to come to work and be treated professionally. After being sexually harassed, I was then ignored, intimidated, ostracised, spoken badly about and punished for speaking up.**

**My workplace was never the same. I had various male colleagues treat me differently after I raised these issues, I had male colleagues ignore me and deliberately not include me in discussions or in social events like morning coffee. The level of distrust was soul destroying and it destroyed my career. I could not rectify it. I often wonder how these colleagues would react if their wives or daughters were unfairly victimised like this in a workplace on top of being sexually harassed.<sup>59</sup>**

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These cases demonstrate that there is a reasonable basis for women to fear that they will receive little, if any, support if they complain about their experiences of sexism and misogyny in the QPS. Such outcomes do not need to be common to give rise to the fear that they could occur.

Instilling trust in the membership that complaints will be taken seriously, and not result in career damage or a lack of support, will take time and a significant effort on the part of the organisation to establish credibility. In the Commission's view, this is unlikely to be able to be achieved under the present complaints system. The existing system, and the Commission's recommendation for the establishment of a new one, is discussed in further detail in Part 5 of this Report.

## **THE PERCEPTION THAT NOTHING WILL CHANGE IF A COMPLAINT IS MADE**

Some QPS members also told the Commission they believed there was little point in making a complaint about experiences of sexism and misogyny because reports are unlikely to be properly investigated and it is probable there would be no real consequences for the perpetrator.

Material obtained by the Commission from the QPS included instances where the organisation had taken little action in response to complaints. The evidence demonstrates that this perception of futility is also likely to stifle the making of complaints.

The Detective Senior Sergeant who had bullied or engaged in negative workplace behaviours toward 12 officers over a 13-year period had his matter dealt with by Local Management Resolution.<sup>60</sup> When one of the victims of his bullying appealed that outcome, the Ethical Standards Command reviewed the decision and remained satisfied it was appropriate.<sup>61</sup>

Local Management Resolution is intended, as the name suggests, to be a method of dealing locally with low-level or trivial errors without proceeding to a disciplinary hearing, which avoids the prospect of a discipline sanction being imposed. Accordingly, the use of Local Management Resolution, even for serious and protracted conduct such as that engaged in by the Detective Senior Sergeant, does not serve as a barrier to promotion. In this case, as seen above, this officer was in fact subsequently moved to a bigger station where he is now in charge of a larger workforce. It is easy to see why the women who made the complaint against him, or otherwise co-operated in the investigation, felt that their complaint, and co-operation, had been futile.

The Commission saw evidence of other instances of sexism and misogyny being dealt with by Local Management Resolution. As another example, the Senior Constable who persistently sexually harassed a Constable over a four-month period was also dealt with by Local Management Resolution.<sup>62</sup>

The QPS told the Commission that in about half the cases where it is used, Local Management Resolution involves only a private conversation between the person who the complaint is made about and their supervisor, which is recorded in writing. In the remaining 53% of matters, officers are required to undergo online training, mentoring, supervision or temporary reassignment of duties and counselling. However, Local Management Resolution is not a formal disciplinary process, and does not result in formal sanctions. In this way, the use of Local Management Resolution stands at odds with the Police Commissioner's statement that:

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**I accept that there are some people in the organisation who do not act in the manner expected, and where we identify this, we do take action.<sup>63</sup>**

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In the Commission's view, the Police Commissioner's statement failed to appreciate that, in many cases of harmful conduct by QPS members toward their colleagues, there is a distinct lack of action taken by the organisation. The practice of dealing with such matters by way of Local Management Resolution is unhelpful, and a deterrent to reporting such conduct in the first place.

The Commission also heard of cases that were reported but not investigated. One QPS member told the Commission that they were *"aware of sexual assaults reported within the service that have not been addressed or investigated appropriately"*.<sup>64</sup>

A QPS member who shared their experience of having made a report that was not acted on by the organisation explained:

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From late 2016 to late 2017 I was the victim of sexual harassment by a colleague who was, and still is, a serving police officer. This harassment would take place whilst on-duty often within the confines of the police station. In [month redacted] 2017 I was sexually assaulted by this same police officer whilst at a police social function.

I disclosed in great detail these offences to my Acting Officer in Charge and a short time later to my immediate supervisor, who is a Sergeant of police, around [month redacted] 2019. Within a matter of a few days, I had a further conversation with my Acting Officer in Charge who confirmed to me that he had told his immediate supervisor, who is an Inspector.

**To the best of my knowledge these offences were never recorded as a criminal offence or reported/recorded internally and therefore investigated. I have never been spoken to in relation to my disclosure of these offences and I have never received support or follow up in relation to these offences.**

I strongly believe that the dysfunctional culture of QPS has been the basis to explain why these three supervisors have neglected to report and cause these offences to be investigated as they are required to do. The officer that committed these offences against me remained in his same position and I suspect was never even spoken to in relation to my allegations. I continued to be rostered to work with him.

**I have witnessed other female officers report misconduct primarily around sexual harassment and also sexual assault by other police officers and have insight to the dysfunctional handling of these matters primarily by senior ranking, male police officers.**<sup>65</sup>

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Another QPS member's experience, set out below, highlights the difficult choices faced by women whose reports are not acted on, who then must decide whether to remain in the organisation or leave, to their financial detriment:

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**Working for QPS my personality has changed, my health has declined to the point I cannot undertake daily tasks and now need home help. I have lost myself, my skills, my life that was to be and my income – I am now on DSP [disability support pension] and have used all my savings.**

**When I spoke to others to seek help with my situation, the officers closed ranks and swept it under the carpet. Other organisations advised me of my options but also deterred me by saying how hard it would be to action their advice, and I was too broken to know what to do. I cannot believe how rife bullying and sexism is and how victim blaming is the first thing everyone does (including other women). Even the HSO [Health and Safety Office] clinical psychologist said "it's their fault, they don't stand up for themselves" when I told her there were many people being damaged. I was shocked at this, as that is the very definition of being bullied. (Not all police officers are of the same ilk, but they do ignore what is happening.)**

**Others opened up to me about their experience with being bullied in QPS, other admin officers and female police officers, and they were all similar. They were not taken seriously, they were separated for a time but eventually would have to work with their persecutors again. We were all just being sensitive girls...**

**Questions that were asked (of all of us) were why don't you just leave? It's my job, my livelihood, my income – why should I have to leave because someone doesn't respect women? Why should the victim not only be suffering health issues but also change their career. Institutions where you are promoted based on rank have no idea what it is like to leave a job and find another – the application process, the fact that you're up against 100 to 200 other applicants. And if you leave your job, you have no income until you find another job. I was told this isn't the job for you. Why because I stood up to a bully who is now making life hard? I have psych evals stating it's not the work but the people who bullied me.**<sup>66</sup>

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There is sufficient material before the Commission to establish that the culture of fear and silence in the organisation has a chilling effect on the reporting of sexist and misogynistic conduct, including serious criminal offences such as sexual assaults and rapes. The culture of fear is perpetuated by organisational failures, such as instances where victims were bullied for speaking out or suffered career damage and were not supported by the organisation, or where inadequate, or no, action was taken by the organisation in response to complaints about sexism or misogyny.

These organisational failures are failures of leadership. The QPS Integrity Framework requires that senior leaders *"must create a culture in which employees are prepared to report misconduct and are supported when they do"*.<sup>67</sup> On the material considered by the Commission, it is apparent that the QPS leadership has not only failed to create such a culture, but is responsible, by virtue of structural disincentives and barriers, for a culture which discourages such reporting.

## EFFORTS TOWARDS IMPROVEMENT

Despite the under-reporting, the Police Commissioner Katarina Carroll accepts that sexism and misogyny is a significant problem. At a hearing on 6 October 2022, she said it goes beyond being a problem involving some areas and some individuals. She said:

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**No, not some areas. I've said areas. I can – I could probably articulate – I just don't know how else you want me to explain it. It's prevalent. It is prevalent and of concern and persistent in particular teams and stations and districts and particular individuals.<sup>68</sup>**

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The QPS has made a number of efforts to improve the problem of sexism and misogyny within the organisation. In April 2019, it created Project Juniper with the intention of eliminating gender inequality, sexual discrimination, harassment and predatory behaviour within the QPS.<sup>69</sup>

The Commission considers that Project Juniper had some success in uncovering cases of protracted bullying and sexual harassment. However, QPS member submissions to the Commission indicated that it came to be seen as a 'laughing stock' by women within the organisation. These submissions were borne out by material received by the Commission from the QPS. A review conducted by the QPS in 2020 revealed that Juniper was seen as a *"toothless tiger"* and clients were *"mostly unsatisfied"* with its interventions, largely because the use of Local Management Resolution to deal with poor conduct that had been uncovered made it seem like *"nothing changes"*.<sup>70</sup>

Juniper was re-branded as two operational arms within the Communications, Culture and Engagement Division (Workplace Assessment and Support Team and Cultural Transformation Team).<sup>71</sup> A recent review of that Division highlighted many governance, capability and capacity issues.<sup>72</sup> The QPS has some significant work to do to ensure that the Division, and the two operational arms designed to address matters relevant to sexism and misogyny within the QPS, can operate as intended and to full capacity. Those efforts are encouraged.

The QPS is also undertaking or participating in a number of other initiatives. One of its Assistant Commissioners is the current President of the Australasian Council of Women and Police (ACWAP), a growing group of women and men who are working together to improve policing services provided to women, improve opportunities and outcomes for women within policing and participate in a global network of women in policing.<sup>73</sup> The QPS was the lead agency in setting up the "Leading Women Network" which has been recognised nationally.

Further, the QPS informed the Commission that the Senior Women's Collective, which previously operated as a women's support and advocacy body within the organisation, is being renewed.

In 2017, the QPS tri-hosted the International Women and Law Enforcement Conference in Cairns, along with ACWAP and the International Association of Women Police (IAWP). QPS members have been nominated for, and won, many

awards at ACWAP annual conferences. The QPS is also a supporter of the Australian Institute of Police Management (AIPM) executive leadership development programs. The QPS is a key supporter of the AIPM's Leadership for Wellness initiative which seeks to improve the positive mental health of police officers.<sup>74</sup>

These initiatives are commendable. Network opportunities for women in the QPS are important and provide aspirational opportunities, however, in the Commission's view, the employment landscape for women in the organisation as a whole needs to be considerably improved.

Until the organisation takes meaningful and successful steps to address the problem, women in the QPS continue to be at risk of experiencing sexist and misogynistic behaviour, including, at times, sexual assaults. Moreover, as the next section identifies, another consequence of a failure to properly address sexism and misogyny is that the QPS is likely to be unable to improve its responses to domestic and family violence.

## THE LINK BETWEEN SEXISM AND MISOGYNY AND POOR RESPONSES TO DOMESTIC AND FAMILY VIOLENCE

Chapter 2 considered what victim-survivors and community organisations told the Commission about the various ways QPS responses towards women who are impacted by domestic and family violence at times fall short of community expectations.

Some inadequate responses to women who are affected by domestic and family violence may be explained by a lack of training. In those cases, it is to be hoped that better training for police officers about processes and procedures will improve QPS responses to domestic and family violence.

However, the Commission heard from victim-survivors and community organisations about other inadequate responses to women who are experiencing domestic and family violence which cannot be explained by a lack of training alone. In those cases, the inadequacy of the response is founded in underlying sexism and misogyny on the part of the responding police officer.

Information provided to the Commission in submissions by QPS members validated the accounts given by victim-survivors and community organisations.

Many QPS members told the Commission about sexist and misogynistic views directed to, or about, women impacted by domestic and family violence. One QPS member told the Commission that sexist and demeaning comments about women experiencing domestic and family violence were a regular occurrence in their experience:

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**Over a long term of service, I have personally witnessed on numerous occasions incredible disrespect towards female victims of violence and domestic violence.**

**I can vividly recall having obtained a victim statement of a female rape victim, when a senior male detective approached me, asked to have a read of the statement as he said 'It's not a good rape unless you get a half chubb [ie an erection] whilst reading it'.**



In light of the traumatizing circumstances of this rape which occurred in a domestic violence setting, this really upset me but I was very well aware that speaking against this senior officer or saying anything about his comments would result in me being labeled as ‘not to be trusted’. I handed over the statement and he had a read. **Once he finished he said words to the effect of ‘it sounds like they had a bit of a struggle cuddle’.**

This example is a typical everyday occurrence in the Queensland Police Service.<sup>75</sup>

Such behaviour was described by a number of QPS members. Another QPS member told the Commission:

In my experience, the language used by police officers to refer to complainants, victims, members of the public, respondents, and even their own colleagues reinforces misogynistic and disrespectful attitudes. Police officers would use derogatory names and make degrading comments and jokes about the clients. These included statements such as “she’s just a druggie slut”, “he’s a piece of shit”, “she doesn’t deserve to have these children”. The most common reference was “grub”. **In responding to domestic violence, I’ve had police officers say, “she’s just a filthy grub trying to get back at him and this is a waste of our time”. Judgements about people are made on their appearance, history, socio-economic status, level of education, religious affiliation, sexual orientation and many more. These judgements (not assessments) subliminally influence the way police officers engage with people. Such perceptions of clients are ingrained in culture that new police recruits are indoctrinated into and subsequently adopt.** <sup>76</sup>

Yet another QPS member gave unchallenged evidence at a public hearing that he had heard police officers from his station engage in banter that revealed negative attitudes towards women affected by domestic and family violence, including:

Things like, “I can see why he does it to her. If I was in his position I’d do that”; “I don’t know what I would do if I was in his position” [and] “Rape is just surprise sex”.<sup>77</sup>

That QPS member gave evidence that it was common to hear officers using disrespectful and demeaning language about victim-survivors, as well as female colleagues, such as “*fucking bitch*”, “*fucking slut*” and “*mole*”.<sup>78</sup> He said that, in his experience, “*the misogyny [within the QPS] is just so wild, and that underpins our attitudes to female victim-survivors*”.<sup>79</sup>

Throughout his evidence, this officer spoke of the various poor responses to domestic and family violence that he had observed from his colleagues, which appeared to be largely underpinned by negative attitudes towards women.

In addition to these accounts of sexist and demeaning language used by police officers about women impacted by domestic and family violence, the Commission saw disturbing evidence of such language being directed at a woman affected by domestic and family violence. In June 2022, QPS body worn camera footage captured evidence of a QPS member calling a female victim-survivor a “*fucking dumb slut*.”<sup>80</sup>

The language used by the police officer, and the aggression and contempt evident in his tone, is confronting. It is even more confronting to consider that the QPS member was sufficiently comfortable to behave that way on camera.

The Commission was informed that, upon receiving a complaint about the officer’s conduct, the QPS dealt with the matter by way of Local Management Resolution.<sup>81</sup> As discussed in more detail in Part 5 of this Report, Local Management Resolution is a mechanism by which police officers can be dealt with for small errors and minor issues.<sup>82</sup> The Commission considers that, in dealing with this matter by way of Local Management Resolution, the QPS failed to acknowledge the seriousness of the conduct and the harm it is likely to have caused the woman who was spoken to in such a terrible way.

A demonstration that the QPS takes poor responses to domestic and family violence seriously, particularly those that result from sexism and misogyny on the part of its officers, required a stronger response to this incident. In this case, by failing to respond appropriately, the QPS failed to send a message, to its own people and to the community, that it is committed to ensuring sexism and misogyny on the part of its officers does not result in poor treatment of women in the community.

In addition to sexist and misogynistic language, the Commission heard of other ways QPS members behave disrespectfully towards women affected by domestic and family violence.

A QPS member told the Commission of repeated sexist behaviour engaged in by her male colleagues, including senior male colleagues, when responding to domestic and family violence calls for service:

**I have witnessed male officers who have received details for DV jobs, note the female Aggrieveds name and then search her on social media to see if she was attractive, if she was considered attractive they would make sexist remarks about her and then show everyone her pictures before responding to the job. When I told them that behavior was sexist and then asked did they not care that a female officer was witnessing what they were doing. I was told “no you’re one of the guys” and that I should take that as a compliment. This behaviour was witnessed and participated in by the Sergeant also and my comments dismissed. On occasion I was told I was just being jealous of the aggrieved’s good looks by speaking up about their behaviour.** <sup>83</sup>



This account was supported by material obtained from the QPS which included records of similar conduct by QPS members. For example, in March 2021, a police officer commented on the appearance of a woman who was seeking to report a breach of a domestic and family violence order to him. He told her that she was “*too good-looking*” to have to be dealing with the breaches. In May 2021, he texted her suggesting they should “*hook up*”.<sup>84</sup>

Another QPS member told the Commission of other ways QPS members act disrespectfully towards female victim-survivors:

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**Over the years I have watched many officers’ male and female treat Domestic Violence victims with disrespect, failing to hear their story and failing to act on their behalf. Some officers that I have worked with have been respondents themselves causing them to be further dismissive towards victims of Domestic Violence...**

**Overall, there is a big cultural issue in the QPS when dealing with victims of Domestic Violence. There is no training at this point in time that could bring it back as a whole to be more victim focussed. The cultural turn around will take years to rectify.**<sup>85</sup>

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The Commission also obtained material from the QPS which included records of police officers who had failed to listen to women impacted by domestic and family violence, or otherwise treated such women with a lack of respect.

In one instance, in May 2021, a woman complained that the police officer who responded to her report of domestic and family violence did not listen to her and failed to record her account properly. The QPS member was not wearing his body worn camera at the time, and, as a result, the QPS did not substantiate that complaint. However, the QPS member was given Local Management Resolution in relation to his interaction with the male respondent in that matter. When he served the respondent with the Police Protection Notice, he asked the respondent why he would want to “*go there*” with the aggrieved, told the respondent he would look after him and said that the aggrieved was a “*psycho*”.<sup>86</sup>

In another case, in December 2021, a QPS member agreed with a male person that the woman’s ex-partner was justified in assaulting her because of her behaviour and, speaking about the woman while she was being attended to by the Queensland Ambulance Service, said under his breath that she should “*shut the fuck up*”.<sup>87</sup>

Each of these instances involve a woeful response by the QPS to a domestic and family violence related occurrence. In each case, the police officer treated the woman poorly. In each case, the underlying driver of the police officer’s conduct cannot be explained by a lack of training but, rather, is reflective of an underlying lack of respect for women.

Further, in each case, the QPS member involved was dealt with by Local Management Resolution. The Commission is concerned, not just by the poor responses, but by the way the matters were dealt with by the QPS. In the Commission’s view, dealing with each case by way of Local Management Resolution was an inappropriate response which failed to demonstrate that the organisation took any of the matters seriously. In dealing with the matters in this way, the organisation failed the women but also failed to demonstrate that it denounces such conduct by its members.

The Commission heard that inadequate and inappropriate use of Local Management Resolution to deal with sexism and misogyny directed towards women impacted by domestic and family violence, and even towards female QPS officers, is not a phenomenon which has only developed recently. In 2020, a Senior Constable was given Local Management Resolution for calling his female Officer in Charge a “*cunt*” and threatening to “*punch her in the cunt*”.<sup>88</sup>

In the Commission’s view, the use of Local Management Resolution in those circumstances failed to send the appropriate message that the organisation both supported the Officer in Charge and denounced the misogynistic conduct of the Senior Constable.

Moreover, that Senior Constable had, three years earlier, failed to correctly and fully investigate a domestic and family violence related occurrence, leaving the female aggrieved without the protection of an order.<sup>89</sup> While viewed on its own, that conduct may appear to have simply been the result of a lack of training on the part of the officer, his subsequent misogynistic conduct in respect of his Officer in Charge tends to suggest an underlying negative attitude towards women contributed to his poor response.

The case raises a question about the extent to which poor responses to domestic and family violence can be attributed to a lack of training alone, even where the response does not, on its face, demonstrate obvious sexism or misogyny on the part of the police officer.

What is beyond question, however, is the fact that the QPS has a significant problem with sexism and misogyny. It is also clear that, in some cases, there is a link between sexism and misogyny and poor responses to domestic and family violence.

## RECENT FAILURES OF LEADERSHIP TO CALL OUT SEXISM AND MISOGYNY

Given the clear evidence of the link between sexism and misogyny and poor responses to domestic and family violence, the QPS needs more than just better training for its officers. Sexism and misogyny cannot be addressed by training alone. Accepting that the QPS cannot be expected to eliminate the sexist and misogynistic views of all its officers, it nonetheless can, and must, ensure it creates a culture in which sexism and misogyny is not tolerated and cannot flourish. The safety of our community depends on the QPS doing so.

In a hierarchical organisation like the QPS, the creation of the organisation's culture starts at the top. The QPS recognises this in its Integrity Framework, which provides that:

- Strong senior leadership is central to maintaining the integrity of the organisation. The ethical tone of the organisation starts at the top.
- Senior leaders must lead by example, act with the utmost integrity and professionalism.
- Model and promote public sector and QPS values and standards and expect and encourage similar behaviour in others.
- Senior leaders must create a culture in which employees are prepared to report misconduct and are supported when they do.<sup>90</sup>

It is readily apparent that addressing sexism and misogyny, and consequent improvements in QPS responses to domestic and family violence, requires strong leadership to create a culture where sexism and misogyny are not tolerated.

Conversely, when QPS leaders use sexist or misogynistic language they create conditions where sexism and misogyny are tolerated, and may even flourish, in the organisation. As the senior leaders set the ethical tone for the organisation, their words and actions will influence the words and actions of others in the organisation.

If the QPS wishes to improve its responses to domestic and family violence and create a culture of respect for women across the entire organisation, it must ensure that its leaders set the right ethical tone, act with the utmost integrity, always model respectful behaviour and publicly call out behaviour that is disrespectful to women.

Disappointingly for the organisation, senior leaders have recently failed to model appropriate behaviours. In March and April 2022, two senior leaders of the QPS made casually sexist comments at formal senior leadership conferences, with little to no action taken by the leadership to counter the effects of those comments. Unfortunately, the Police Commissioner failed to publicly denounce the behaviour of those senior leaders.

When the QPS fails to denounce sexism exhibited by its senior leaders, negative attitudes towards women may thrive, including among junior officers. In a hierarchical organisation such as the QPS, the words and actions of its leaders significantly influence the behaviour considered acceptable by those lower in the rank structure.

In light of the evidence of individual QPS members' negative attitudes towards women, these instances of casually expressed, sexist comments by QPS senior leaders are troubling indeed.

While negative attitudes towards women prevail within the organisation, poor responses to domestic and family violence will persist despite the organisation's efforts to improve its structural framework and the training it provides to its members.

### THE IMPACT OF THE CONDUCT AND COMPLAINTS SYSTEM ON THE PROBLEM OF SEXISM AND MISOGYNY

The Commission considers that much of the problem of the persistence of sexism and misogyny within the QPS lies at the feet of the organisation's senior leaders who set the ethical tone for the organisation. In addition to the requirement that the senior leaders lead by example, there is also an obligation that they create a culture in which employees are prepared to report misconduct and are supported when they do.

The material considered in this chapter demonstrates that the senior leaders have not created a culture in which all QPS members are prepared to report misconduct and are supported when they do. In the Commission's view, the senior leadership has considerable work ahead of it if it is to create such a culture. The Commission strongly encourages the senior leadership to take steps to create that culture. Sexism and misogyny cannot be meaningfully addressed and reduced within the organisation until that happens, because if officers are not prepared to report misconduct, it cannot be stamped out.

The Commission considers that the current conduct and complaints system is not sufficiently independent or effective to give QPS members comfort that, if they make a complaint, it will be dealt with fairly, transparently and in a way that is likely to lead to positive change, either for the individual making the complaint or for the organisation more broadly. Accordingly, in Part 5 of the Report, the Commission recommends the establishment of a new, independent Police Integrity Unit to investigate complaints against police officers, including complaints in relation to sexism and misogyny. The establishment of such a body will go a considerable way to addressing the cultural issues of sexism and misogyny in the organisation.

In addition to that recommendation made in Part 5 of the Report, the Commission considers that two further measures will assist to improve the culture of sexism and misogyny in the organisation. The first is related to how QPS members who make a complaint about such conduct are supported through the process, and the other relates to the establishment of an Ethical Health Scorecard.

In the Commission's view, even when the Police Integrity Unit is established and complaints about sexism and misogyny are dealt with by an independent body, there would be merit in the establishment of a process by which members who make a complaint can be supported within the organisation while the complaint is investigated. It would be appropriate that a Peer Support Officer be assigned, with the consent of the person making the complaint, to support the person through the process. The Peer Support Officer should be of more senior rank than both the subject member and the concerned party and be willing and able to advocate on behalf of the person making the complaint if there are any concerns that the person making the complaint has not been appropriately supported by the organisation, or is suffering any career progression impediments, as a result of making the complaint. Ensuring that sufficient support is available should break down

some of the barriers that presently inhibit the making of complaints, and a recommendation to this effect is made at the end of this chapter.

There would also be benefit in a requirement that the organisation develop and implement an Ethical Health Scorecard to support the monitoring, prevention and remedial actions to reduce the culture of fear in the organisation.

Such an initiative was first recommended in the report by the Independent Expert Panel (2011), *Safe, Effective, Transparent, Strong: An independent review of the Queensland complaints, discipline and misconduct system*. That report made the recommendation in recognition of the need to build permanent and valid measures of ethical health as part of the organisation's conduct and complaints system.

In the Commission's view, the Ethical Health Scorecard would go some way to improving the ability of the organisation to monitor and improve the culture of fear. The organisation would assess the prevalence and strength of the culture of fear within the membership by various devised mechanisms. The Commission envisages that one such device would include regular confidential surveys to gauge the membership's level of fear of reporting. Assessments conducted pursuant to the scorecard should be reported to the senior leadership on a regular basis. In turn, those assessments would be used by the senior leaders to develop strategies to address and reduce the culture of fear and, in turn, encourage reporting of sexist and misogynistic conduct. A recommendation for the development of an Ethical Health Scorecard is made at the end of this chapter.

## FINDINGS

- **Sexism and misogyny are a significant problem within the Queensland Police Service. It manifests in sexist language and behaviour, bullying, unfair and discriminatory behaviours toward women, sexual harassment, sexual assaults and rape. Such behaviours are a breach of human rights.**
- **Where it occurs, the effects of sexism and misogyny have the potential to, and often do infect the entire workplace.**
- **The Queensland Police Service has not always dealt with conduct which is sexist and misogynistic in an appropriate manner. Where it has failed to address such conduct properly, and thereby failed to send a message that such conduct will not be tolerated by the organisation, the Queensland Police Service has failed the women who suffered as a result of the conduct, failed to meet its human rights obligations to those women and failed its membership as a whole.**

## RECOMMENDATIONS

### Recommendation 24

Within six months, the Queensland Police Service engage an external expert to advise on the development and implementation of procedures designed to raise awareness of sexual harassment, including how to identify it and how to report it, and its adverse consequences for all Queensland Police Service members.

### Recommendation 25

Within six months, the Queensland Police Service develop a scheme whereby any Queensland Police Service member who makes a complaint about conduct arising from sexism, misogyny or racism is allocated a Peer Support Officer with the concerned party's consent, and of a more senior rank than the concerned party and the subject member, to support the concerned party through the complaint process.

### Recommendation 26

Within six months, the Queensland Police Service establish a validated Ethical Health Scorecard aligned with that originally recommended by the Report by the Independent Expert Panel (2011), *Safe, Effective, Transparent, Strong: An independent review of the Queensland complaints, discipline and misconduct system*, including at a minimum:

- prioritisation of valid measures for 'culture of fear' to support monitoring, prevention, and remedial efforts to reduce its influence within the organisation
- integration of the Scorecard into quarterly strategic reporting and analysis to the Executive Leadership, including interpretation of the implications for leadership action
- inclusion of the Scorecard and its utility into management and leadership programs in recognition of their role in reducing the culture of fear and building ethical health
- establishment of annual reporting of the Ethical Health Scorecard and the de-identified outcomes of disciplinary processes commenced within the reporting period, including those still under consideration and those resolved using Local Management Resolution
- engagement of an independent external evaluator to assess after 12 months:
  - the validity, utility and impact of the Scorecard
  - the Scorecard's implications, including capacity to reduce the culture of fear and build management's awareness of their role in building ethical health
  - the Scorecard's success in informing leadership action
  - the integration of the Scorecard into the broader organisational integrity framework.

## HUMAN RIGHTS CONSIDERATIONS

Improving and monitoring the ethical health of the service and raising awareness of issues around sexism, misogyny and sexual harassment will not only provide protection for the human rights of female members of the QPS but will also improve the way police respond to and interact with female victim-survivors in domestic and family violence matters. This will elevate the rights of equality before the law (s 15 HRA), protection (ss 17 and 26 HRA) and security (s 39 HRA) for both female officers and female victim-survivors.

Access to a Peer Support Officer for officers who make complaints arising out of sexism, misogyny or racism will elevate the human rights of those officers, including the rights of equality before the law (s 15 HRA), protection (ss 17 and 26 HRA) and security (s 39 HRA) and cultural rights (s 27 HRA and s 28 HRA).

## 8 Values, attitudes and biases

The Women's Safety and Justice Taskforce reported, in *Hear her voice: Report One* (2021), that it had heard from hundreds of victim-survivors about poor responses from QPS members. This Commission had regard to those experiences, and, in addition, heard from over 1,200 victim-survivors, through submissions and survey responses, about experiences that echoed those heard by the Women's Safety and Justice Taskforce.

Women told the Women's Safety and Justice Taskforce and this Commission about times they were not believed, were belittled, or otherwise not respected by police. On those occasions, it is easy to see how sexism and misogyny play a part in the police response to domestic and family violence.

In addition to the voices of victim-survivors, the Commission heard from police officers about cultural issues which influence the QPS response to domestic and family violence.

This chapter considers cultural issues arising from negative attitudes towards women and other sections of the community which affect how police respond to domestic and family violence.

The next chapter considers cultural issues caused by organisational and other stressors that contribute to negative police attitudes towards responding to domestic and family violence.

### DISTRUST OF WOMEN GENERALLY

The Commission heard evidence of police officers who did not believe women's reports of domestic and family violence and, as a result, failed to take action to protect them. In one instance, a QPS member told the Commission that he believes that 90% of sexual assault complaints made by women are made up. He told the Commission:

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I have a mother, two teenage daughters, a female partner, and four teenage stepdaughters. I also work with wonderful and talented women in my office. I am in no way anti-female.

**...Notwithstanding legitimate complaints, routinely, I receive many complaints of sexual assault from women. 90% of these complaints are completely fabricated or the women have a misunderstanding of rape or sexual assault. The other 10% are investigated fully, and we as investigators do everything we can for the victim. This would be repeated by police across the entire**

**state. It isn't difficult to tell legitimate victims from those who have other motives.**

Common complaints are but not limited to, too drunk to remember consenting, feel sore so something must have happened, don't know if raped or not but thinks something happened Woke with no clothes on, seeks empathy from others, has a partner and feels guilty, can't decide if she consented or has regrets after drinking so it must be rape. Other situations include retaliation for a breakup, consented but really didn't enjoy the interaction, mental illness including delusions and dementia. There are also complaints about doctors performing procedures such as the insertion of a catheter and felt something or going for child custody and the support worker said making a complaint of rape would help.

On most occasions, the fabricated complaints have no evidence whatsoever other than the woman's version. **For the 10% of genuine sexual assaults, there is evidence to corroborate the victim's version including an authentic and credible version of events with times, dates, places, witnesses, and physical evidence. We will do everything possible for these genuine victims.**<sup>91</sup>

These views do not reflect the views of the QPS as an organisation. When the Police Commissioner was asked about those views at a public hearing on 18 August 2022, she said:

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I think that's completely inappropriate and I think he misunderstands.<sup>92</sup>

However, the Commission heard evidence that some police officers tend to disbelieve women unless there is clear, corroborating evidence to confirm a woman's account. One QPS member who gave evidence to the Commission described how officers in his station are more likely to take action where there is corroborating evidence:

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When there have been either quite substantial injuries or there's evidence that they can provide



in the form of , like, recordings of abusive and threatening phone calls or text messages, when there's that evidence that would be considered by police to be, like, incontrovertible in a sense, then action is more likely to be taken than when somebody is coming to the counter saying, 'These horrific things have happened to me, but I don't have anything to offer you other than what I say has happened'.<sup>93</sup>

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The number of submissions from QPS members about the prevalence of sexism and misogyny in the organisation suggests that these views are held by more than just some individuals at some stations and are likely to be considerably more extensive than that. The impact on police responses to domestic and family violence is stark. The Commission heard, from QPS members, of police officers trying to talk women out of making serious complaints of sexual assault and of domestic and family violence. One QPS member told the Commission:

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**I have witnessed a male detective try and discourage/talk a victim out of making a rape complaint. When I asked him about what he had said in the room to the victim, he replied the owning station of where the offence occurred would thank him for talking her out of it.**

Another male officer made a complaint about me to my sergeant after a female aggrieved who I had previously helped with her DV breaches and who felt comfortable with me, came to the station to report another DV breach. I was away so she reported it to the male officer on the station counter. The Aggrieved contacted me the following day by email and expressed she felt uncomfortable with the male officer and how he handled her report. I spoke to the station DVLO about the incidents and the Aggrieved then sent me some evidence which I uploaded to the QPS computer system under the report. I was then told by my Sergeant about the officers complaint and that I was no longer allowed to talk to or correspond with the Aggrieved as the male officer was the reporting officer and I couldn't assist her anymore. I then had to email the Aggrieved and advise her I could no longer correspond with her over her DV matters. I

felt like my hands were tied, even though she was comfortable with me and I was willing to help her I was being told by my Sergeant to cut contact with her because a male officer had an issue with me talking to her about her DV incidents. It saddened me to think this woman was reaching out for help from me and I was being told to not help her due to QPS reporting policy/procedures.

This type of behavior seems to be set as the norm over the years with that baseline creeping higher and higher. These attitudes and behaviors are appalling and the public should be made aware of the toxicity that lives and breeds inside the QPS and how anyone who speaks out will be shunned or bullied. They say in the service reputation is everything and once it's tarnished it's like that for your career regardless of any good work you do.<sup>94</sup>

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Another QPS member told the Commission of their direct knowledge of complaints not being taken by police officers, despite the serious nature of them:

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During my career I eventually obtained experience in the CIB (Criminal Investigation Branch) which investigates more serious complaints. During this time a woman came in to make a rape complaint. I was taught how to convince the woman to leave without making an official complaint. This wasn't done in hushed circumstances; I was openly taught how and why to convince a victim to leave without making an official complaint (that would require investigation). I accepted this at the time being young and inexperienced. It was also a number of years ago and I didn't have as much understanding of the issues facing women in society. I was told to convince the woman that the process in court would be too emotionally difficult, and they would question her integrity, the process would be lengthy often not resulting in a conviction, there wouldn't be enough evidence and it would be a case of her word against his. The goal was to stop the complaint at the start as this insured one less crime that wouldn't be recorded as unsolved - but at the very core of this is a sexism against the rights of a woman. Often if the

complaint was not taken on that day, it delayed the gathering of evidence which is time vital. This is not a one office issue, it's a state-wide unwritten policy. A normal policy I have heard other colleagues talk about that work around the state. Upon reflection I fear there are numerous women out there that did not receive a just process, weren't supported by the government body trusted to protect and uphold the law and many victims were further traumatised because of this.<sup>95</sup>

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## OTHER ATTITUDES THAT CAUSE POLICE TO BE DISMISSIVE OF WOMEN

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In addition to instances where women are not believed, some police have a dismissive attitude towards women when it comes to domestic and family violence. The Commission heard how important it is for police to not minimise or dismiss a victim-survivors' report of domestic and family violence, and to respond in an empathic way. Ms Rosemary O'Malley, CEO of Gold Coast Domestic Violence Prevention Centre, explained:

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Women who live in domestic violence relationships are hypervigilant about whether they are being believed and are scanning non-verbal facial expressions (including micro-expression), tone, sighs, or numerous other signs that will indicate to them that they are not being believed and that it is not safe to pursue making a complaint or asking for a police protection notice.

When this happens two things commonly ensue: her (and her children's risk) will remain unaddressed and may escalate; she loses faith in the system and decides this is not where safety lies for her.<sup>96</sup>

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Professor Silke Meyer, who has researched QPS responses to domestic and family violence over many years, told the Commission:

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One thing that has stood out to me in particular over the years of conducting research on victim-survivor's help-seeking is that some police allegedly turn DFV callouts into a 'laughing matter'. Victim-survivors across projects have described officers who are joking with each when arriving at or departing from a household affected by DFV. Others have described officers walking out of the residence, joking with the primary aggressor and referring to him as 'mate' when seeking the alleged perpetrator's version of events.

While officers may not consider the impact of such behaviour at the time, or may try to engage an alleged perpetrator in an investigation through the choice of certain language (i.e. mate), joking about an aggrieved's experiences and/ or engaging an alleged perpetrator in 'banter' is insensitive, inappropriate and can be highly retraumatising and stigmatising for victim-survivors. Similarly, joking or laughing about other matters when attending a DFV callout is highly insensitive and can be traumatising to the victim-survivor – even if unrelated to the specific victim-survivor or attended 'incident'.<sup>97</sup>

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Dr Heather Nancarrow, Monash University, further explained that focus groups and interviews conducted with police and service providers in 2020 revealed that sexism contributed to police holding women to a higher standard than men.<sup>98</sup> This manifested in responses by police which were empathic toward men who were upset about a relationship breakdown while being intolerant of "*women behaving badly*".<sup>99</sup> A QPS member also told Mr Ainsworth that, in her experience, attractive women receive more favourable treatment from police.<sup>100</sup>

In their review of police referrals received by them, one domestic violence service further noted that there was a pattern of concerning language used in relation to victim-survivors which they did not see in referrals for perpetrators. This was attributed by the organisation to broader cultural issues within the QPS that viewed victim-survivors through their own expectations of how they should behave and included referring women for assistance because they "*won't stop complaining*", "*just need to learn about DFV*", "*doesn't know whether to stay or leave*" or were "*old school*" about relationship values.<sup>101</sup>

The Commission heard that the incidence of police dismissing women who report domestic and family violence is heightened when a woman does not fit the 'ideal victim' stereotype. An 'ideal victim' is commonly understood to be a person who welcomes police help, who is passive or submissive, and who wants to leave a relationship. It does not recognise the lived experience of many victim-survivors, and the impact of trauma. It also presents a false narrative that some victim-survivors are more deserving of safety and protection than others and can negatively impact the actions police take in response to a report of domestic and family violence. One QPS member told the Commission:

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I have observed many occasions where officers have either failed to protect a victim or have reluctantly applied for orders whilst still disparaging the aggrieved because they have concluded they are an "alcoholic", a "grub", "504" (mentally ill). For example, I remember prosecuting a DV Hearing where I was speaking to the officer in earshot of the aggrieved. He told me he didn't really want to apply for the order because the aggrieved was a "drunk" and that he didn't care if we were successful in the hearing.

**There had been significant allegations of violence made by this aggrieved woman against her husband. I counselled the officer in his dismissive attitude toward the aggrieved and encouraged him to take allegations seriously even if a victim doesn't come across as the "perfect victim".<sup>102</sup>**

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Dr Heather Nancarrow also explained to the Commission that stereotypical assumptions about women contribute to the incidence of women being misidentified as perpetrators. In her expert report she said:

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**Female victims/survivors of violence are often assumed to be submissive and powerless, although some women resist controlling abuse with physical and verbal aggression. Women who use resistive violence are also likely to use weapons to overcome a physical disadvantage and, consequently, cause injury.<sup>103</sup>**

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Professor Heather Douglas from the University of Melbourne told the Commission:

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**The issues around identifying the perpetrator is – that can be difficult too, I appreciate, but I do think that we need to deal with the stereotypes about what we expect victims to look like and avoid privileging the person that speaks apparently the most rationally and clearly in the circumstances. There are lots of reasons why people who are fearful will be incoherent and seem potentially highly distressed and irrational.<sup>104</sup>**

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There is clear evidence that police officers may be dismissive towards and do not always effectively support women who do not fit the 'ideal victim' stereotype. This can leave victims and their children unprotected, embolden a perpetrator and, on occasion, result in police misidentifying the victim as the respondent. This issue is discussed in more detail in Part 4 of this Report. The QPS needs to take additional steps to ensure that police officers do not fail to take action on this basis, and a recommendation to this effect is made at the end of the chapter.

The tendency of police to be dismissive of victim-survivors who make a report of domestic and family violence appeared to be particularly prevalent when they present at police stations to seek assistance. There are also issues with victim-survivors being required to disclose their experiences of abuse at the front counter, sometimes in front of other people. One victim-survivor told the Commission of how she was treated by police when she presented to a police station to make a report of domestic and family violence after being assaulted:

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There was one incident where there had been a significant assault in the morning and I had gone to the police. It was before I had taken out a domestic violence order. I had gone to the police saying that I wanted to put it on record but not do anything. I didn't really understand the system at the time. The police officer listened to what I had to say and then said she wasn't prepared to just leave it as a statement; she wanted to go and speak to the perpetrator. I expressed that I was concerned about the risks of doing that, but it went ahead anyway. I was advised by her to leave my house and take my child, because we had separated but hadn't actually; we were still cohabiting.

So I did that, and she went and spoke to the perpetrator. He denied everything and she came back to me and said it wasn't valid and that I just needed to focus on being a good mother to my child. But in her response it actually validated his behaviour and made him feel that he was able to keep behaving in that way without any recourse. That was a significantly bad incident.

**...I wasn't turned away [but] sometimes it was questioned whether it was domestic and family violence. I was often made to feel really embarrassed because I would be standing at the front counter, not taken to a private room, and need to tell my story in front of whoever happened to be there at the time, and sometimes those reception areas could be quite crowded, whether it was with police staff or just members of the general public. It often felt like it wasn't being taken very seriously, and I felt like I was the one that was being made to justify my actions to report it rather than looking at the source of the issue which was the person that was perpetrating the violence.<sup>105</sup>**

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Dismissive conduct by police toward women affected by domestic and family violence was also referred to by one QPS member in this way:

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**I have worked in stations that have told me that I am too nice to aggrieved persons and that now they are attending the station to report more matters.**

There was one instance where the station DVLO had received a call from a refuge about an aggrieved wanting to attend the station to report a Domestic Violence Breach. When she got off the phone, she said that she didn't know why the aggrieved wanted to travel three (3) hours to the station and that I was not to take her statement. She told me to make her drive the three (3) hours back to supply her statement the next week.

When the aggrieved arrived, I spoke to her about the breach and she informed me that the reason she wanted to attend a station further away was so that the respondent could not link her to a location. The sheer disregard from the DVLO for the aggrieved persons safety deeply shocked me.

There have been too many occasions to count where Police have tried to turn victims away from the front counter of Police Stations. I have seen aggrieved persons crying at front counters for help, and officers trying to talk them out of going further by explaining the overwhelming court process...

I have witnessed multiple aggrieved persons attend the front counters of Police Stations with young children, not having anywhere to take them. When entering the Police station there is no safe place to take them with their child so that the child can be cared for whilst the details of events is talked about without the child being involved in such conversations...

I have also witnessed Police Officers that have committed Domestic Violence and the OIC's covering those matters up. One of these incidents was when a serving Police Officer had threatened to kill himself to his partner another serving Police officer. When she informed her OIC he dismissed her claims. She told him to get her phone downloaded to gain the details of the text messages however he told her that would not be necessary and refused to go any further with the complaint, leaving the victim feeling helpless and unsupported.<sup>106</sup>

Many victim-survivors told the Commission they were turned away from front counters or asked to give details of their complaint at a front counter in circumstances where they were concerned about others hearing their conversation. Examples of that behaviour are also discussed in Part 1 of this Report.

In its report *Bail, Street Checks and Front Counter Reporting (2021)*, the QPS Ethical Standards Command confirmed that



The Commission heard evidence that some police did not believe women's reports of domestic and family violence and, as a result, failed to take action to protect them. Instances of police trying to talk women out of making serious complaints of domestic, sexual and family violence were also identified.

Officers also reported that vexatious complaints about domestic and family violence are prevalent which is impacting the way police respond to genuine reports. This includes the perception that false or frivolous complaints are often made to gain advantage during Family Court proceedings, despite there being no evidence of this occurring to the extent necessary to support a belief by some QPS members that it is a significant problem.

Many officers also feel frustrated at the gendered focus of domestic and family violence, and the disproportionate impact it has on women and children. Accepting that there are distinct gendered patterns in the perpetration and impact of this type of violence does not negate those whose experiences are not reflective of this pattern.

Officers may also have a dismissive attitude towards victim-survivors of domestic and family violence, who are not seen as an 'ideal victim.' This can leave victim-survivors unprotected, or result in them being misidentified as the perpetrator in the relationship. Police were also noted to be dismissive when victim-survivors tried to make a report of violence at a police station, which is further complicated by a lack of privacy for victim-survivors when they are required to disclose their experiences at the front counter.

Figure 23: Summary of issues related to values, attitudes and biases reported by police when responding to domestic and family violence.



victim-survivors were turned away from front counters and at times matters were recorded as a street check instead of a DV-occurrence.

In the Commission's view, it is critical that when a victim-survivor attends the front counter at a police station that they are immediately given privacy to explain their situation. This is consistent with the Charter of Victims' Rights which mandates that a victim *"will be treated with courtesy, compassion, respect and dignity, taking into account the victim's needs"*.<sup>107</sup> The Commission is aware of the significant differences in the types of facilities available in police stations across the state<sup>108</sup> but this should not prevent police from being able to provide a victim-survivor with a private space to make a report of domestic and family violence.

The obligation to provide an opportunity for a victim-survivor to disclose their experiences of abuse in private does not require special facilities. Where a dedicated private interview room is not available, it may be as simple as closing the door to a tea-room or an office being vacated to allow a door to be closed.

Some facilities at police stations may be better than others across the state. Regardless of this, it is paramount that police treat a victim-survivor with respect and ensure they have a private space to report violence.

A victim-survivor should never be asked detailed questions or be required to give a statement at the front counter, nor should they be made to wait in the foyer of a police station.

The Commission considers that a victim-survivor should always be taken to a private space once it is clear that they are making a complaint of domestic and family violence, and a recommendation is made in relation to this issue at the end of this chapter.

## BELIEF IN THE PREVALENCE OF VEXATIOUS COMPLAINTS

Some police officers believe that vexatious complaints about domestic and family violence are prevalent and, particularly for those officers, there is a sense that their role is misused by people who make domestic and family violence complaints to them.

Mr Mark Ainsworth, a retired Detective Superintendent, was engaged by the Commission to undertake interviews of current and former QPS members about matters including cultural issues impacting its response to domestic and family violence.

Many QPS members reported to Mr Ainsworth that they considered domestic and family violence reports are sometimes made vexatiously, with the result that such vexatious complaints then impact the way police officers respond to genuine matters.<sup>109</sup> Mr Ainsworth said, about the police officers who raised this concern, that:

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**The terminology of DFV – domestic and family violence of convenience was used, and I can probably put it down to four areas that police were referring to, and it's seeing some officers perceive that some matters were reported by aggrieved people in order for family law court matters for custody of children, for property settlement, for**

**the payment of DV assist payments, and also to try and expedite the process of getting government housing. So they were the four main issues raised by police towards a negative culture of aggrieved people.**<sup>110</sup>

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Mr Ainsworth reported that *"lots"* of officers spoke about vexatious complaints being a *"significant problem"*.<sup>111</sup> One officer explained that the issue of vexatious complaints made some officers very negative towards domestic and family violence matters.<sup>112</sup>

Mr Ainsworth found that most interviewees believed that the culture of police officers towards domestic and family violence is worsening over time.<sup>113</sup> In part, this was because of the convoluted paperwork and lack of resourcing associated with attending domestic and family violence matters, but it was also attributed to a perception that people make domestic and family violence reports for convenience.<sup>114</sup>

The information provided to Mr Ainsworth was consistent with other information provided by QPS members to the Commission. One QPS member said that the perception that false or frivolous domestic and family violence complaints are often made to gain advantage in Family Court proceedings is heightened in male police officers who have experienced separation or divorce. That QPS member said:

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**I have further observed that male police officers can be adversely influenced by their own personal experiences in their relationships. If a male officer is separated or divorced, I find he is much more likely to treat a female victim's version of events as suspicious or unreliable. They frequently complain that women are making up allegations to obtain an advantage with the Family Court. Although I understand this can occur from time to time, the research shows it is incredibly uncommon, whereas this attitude is enforced by these officers upon most women they encounter.**<sup>115</sup>

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Professor Silke Meyer told the Commission that she observed this cultural issue in a Queensland study of police officers she conducted in 2018. Professor Meyer told the Commission:

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**In 2018, I interviewed police officers and prosecutors about the role of procedural justice in responding to DFV. In this context, myself and two research assistants observed over 300 DVO proceedings and spent around 26 days at two different Qld court locations. This included observations of magistrate, police and court user interactions in the court room as well as the recruitment of court users in the court waiting areas for participation in subsequent survey and interview data collection.**

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During this time, I observed a number of police attitudes informally. These attitudes were not communicated in the context of a formal research interview but during informal conversations with different officers attending court who were aware of my role as a researcher and engaged in conversations about the research. **Observed attitudes and statements included that: ‘courts hand out DVOs like lollipops’; ‘women misuse DVO proceedings as an alternative to Family Law Orders’ to limit the other parent’s contact with mutual children post separation; and a perception that female victims take out a DVO but then reconcile until the relationship no longer suits them and then use the DVO against the respondent and breach him for initiating or maintaining contact.**<sup>116</sup>

A QPS member gave evidence at a hearing of his observations of police officers’ beliefs in the prevalence of vexatious complaints. He said:

Yes. That’s like a very – again, that’s another frequent day room discussion where this myth gets brought up about – especially in relation to police applications but also in relation to the private applications that come through for service, **“She’s just trying to screw him over in Family Court. Like, there’s no evidence other than - there’s no evidence other than what she is saying. They’re going through a separation, which we know is when a lot of domestic violence occurs, but they’re going through a separation and she’s just trying to screw him over,”** and that’s a very frequent conversation...<sup>117</sup>

That QPS member linked the experiences of some police officers who have separated or divorced with the prevailing view that women will often lie to gain an advantage in the Family Courts. He said:

**I’ve known several male officers who when talking about their partners or their ex-partners, when things begin to go badly in their relationships they’ll set up – or they’ll paint an image of their partner or ex-partner that is of basically like a deranged crazy person and they’ll say, “She’s got really serious mental health issues. Like, everything’s happening because she’s crazy”. They’ll talk about the ways in which they can utilise their knowledge of the law to influence family law outcomes or the aggrieved’s willingness to proceed down that pathway through fear that they have more knowledge than she does about how to navigate the legal process with respect to Family Court and even like domestic violence applications. ....And just like red flags for coercive control are really evidence in the way they talk about their day-to-day relationships.**<sup>118</sup>

Another QPS member told the Commission:

**I have worked under an OIC that had been listed in a Domestic Violence Order, and who had breached that order. The OIC was called to investigate inappropriate behaviour by QPS members towards an aggrieved, and has failed to do so. Instead, he spoke to her about his own issues explaining how his ex-wife had taken him to court and done him over. He dismissed the victim’s claims and made her feel unheard further causing aggravation to her injury.**<sup>119</sup>

The Commission notes that, while parties to Family Court proceedings may make vexatious complaints from time to time, it has not seen any evidence that it occurs so often as to support a belief on the part of some QPS members that it is a significant problem. In fact, the likely explanation for allegations of domestic and family violence being raised upon a separation may, in some cases, simply be that the victim-survivor did not feel safe to raise the issue while living with the perpetrator. Actual or pending separation is also a known period of heightened danger where a perpetrator represents a significant risk of harm to a victim-survivor and their children, and violence often escalates during this time.<sup>120</sup> Negotiations around shared parenting arrangements are also a point of increased risk, particularly where a perpetrator may use discussions about child custody or access to perpetrate further abuse against their former intimate partner further increasing the likelihood of a victim-survivor seeking assistance from police.

It is clear that the QPS needs to incorporate content into its domestic and family violence training, and training generally, to dispel the myth that women frequently make up complaints of sexual assault and domestic and family violence. A recommendation to that effect is made at the end of this chapter.

## **BELIEF THAT DOMESTIC AND FAMILY VIOLENCE IS NOT A GENDERED ISSUE**

Mr Ainsworth reported to the Commission that many police officers are frustrated that the focus of domestic and family violence is on women and children. He reported to the Commission that:

**Many officers including female officers said they are frustrated with the DFV focus on women and children at the expense of males and same sex couples. They stated women are not always the aggrieved and the gender of the person should not be a consideration when dealing with DFV. Each case has to be treated on its merit. Police are now seeing more males reporting DFV. People believe males, females and same sex couples are now finding their voice re DFV reporting. People feel they are being listened to and not judged. Whilst it is accepted more females are aggrieved in DFV, there are also males and same sex couples who**

**deserve the same recognition as an aggrieved person. Several senior officers were concerned that this rhetoric influences the judgment of first response officers who attend DFV and automatically assume the aggrieved is the female. This can impact on their investigation initially.<sup>121</sup>**

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These views were repeated in a number of submissions received directly by the Commission. A QPS member who gave evidence to the Commission said he had also experienced the perception among police officers that domestic and family violence is not a gendered issue:

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**In my experience, the majority of officers at my station completely reject the structural feminist perspective. They genuinely do not believe that DV is a gendered issue and cite underreporting by men as the primary reason that there isn't a 50/50 split by gender.<sup>122</sup>**

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Frontline police officers gave evidence at the Commission's hearings that also demonstrated that it is a common view amongst officers that domestic and family violence is not a gendered issue, despite the QPS as an organisation accepting that it is a gendered issue.<sup>123</sup>

There is no doubt that domestic and family violence is a gendered issue which disproportionately affects women.<sup>124</sup> It is a core principle within the *Domestic and Family Violence Protection Act 2012*, which acknowledges that while domestic and family violence can happen to anyone, it is most often perpetrated by men against women with whom they are, or were, in an intimate partner relationship, and their children.<sup>125</sup> While anybody may experience acts of violence within an intimate partner, family or informal care relationship, when applying a definition which is founded on an imbalance of power within the relationship, domestic and family violence (in all its forms) is most often experienced by women and most often perpetrated by men. Men are also more likely to use violence to gain or retain control within a relationship, while women are more likely to use violence to resist control and protect themselves or their children.<sup>126</sup>

Dr Heather Nancarrow, explained the gendered nature of domestic and family violence, particularly when it involves coercive control, in this way:

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**Coercive controlling – one of the things I do want to say is that when we talk about the gendered dynamics of domestic violence, again it's what this Act is trying to get at, coercive control is highly, highly gendered. Women engage in abusive language and fights and so on, but the research internationally consistently shows that coercive controlling abuse is almost exclusively perpetrated by men against women.<sup>127</sup>**

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Dr Nancarrow explained that “*due to social norms; social and economic power structures, and male and female relationship role stereotypes, men typically hold more power to exploit in the abuse of others' creating unique barriers to safety for their victim*”.<sup>128</sup>

While this gendered understanding of domestic and family violence has been confirmed in research and broadly accepted in international, national and local public policy, it is still misunderstood and dismissed by some.

There is no doubt that police officers must approach all investigations, including those relating to domestic and family violence, with an open mind. Accepting that there are distinct gendered patterns in the perpetration and impact of this type of violence does not negate those whose experiences are not reflected within this pattern.

The Australian Brotherhood of Fathers submitted to the Commission that male victim-survivors are discriminated against by police. They provided examples where requests for support by men who were victims of domestic and family violence had been denied by police.<sup>129</sup> This included examples of apparent failures by police to investigate reports of domestic and family violence or child welfare concerns, respond in a timely manner, provide access to appropriate support services, and to charge (female) perpetrators of domestic and family violence for apparent breaches.<sup>130</sup> Submissions were also received from individual men who recounted their negative experiences with the police when reporting, or attempting to report, domestic and family violence.

The Australian Brotherhood of Fathers provided the results of a survey of 1,000 fathers who had accessed a call service operated by that organisation. The survey found that 70% of callers who contacted police as victims of domestic and family violence reported being turned away.<sup>131</sup> This included being told that “*it's a family court matter*”, to “*man up*” or “*toughen up*”, that “*women don't commit domestic violence*”, being “*blamed for the abuse*”, or the officer noting the complaint then asking the man to leave the station (with no further action taken).<sup>132</sup>

Similarly, the One in Three Campaign told the Commission of the barriers faced by male victim-survivors of domestic and family violence. They reported inadequate police recognition of men as victim-survivors which could discourage men from reporting or feeling that they would be believed,<sup>133</sup> and provided examples where men had reported abuse to police and were told it was a Family Court matter,<sup>134</sup> and where men were not believed or were disregarded by police with no action being taken.<sup>135</sup>

Many of these examples share remarkable consistency with others provided to the Commission about victim-survivors' experiences more broadly as discussed within Chapter 2 of this Report. Acknowledging that domestic and family violence is gendered does not mean that the men who experience this type of violence have been or should be discounted.

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**Policing domestic, family and sexual violence requires an accurate and evidence-based understanding of gender-based violence. These crimes disproportionately impact women, Aboriginal and Torres Strait Islander women and children, LGBTQ+ people, CALD communities and most commonly women with disability. There are also unique considerations for male victims.<sup>136</sup>**

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However, police responses to domestic and family violence may remain inadequate or inappropriate unless officers understand the gendered nature of domestic and family violence. The Commission heard many stories of women misidentified by police as the perpetrator because police accepted at face value the account of a softly spoken and apparently calm perpetrator over the account of a hysterical and distressed woman.<sup>137</sup>

Perpetrators commonly seek to conceal or minimise their use of violence within a relationship and attempt to manipulate the perceptions and actions of others around them.<sup>138</sup> Accordingly, when police respond to domestic and family violence, they should anticipate that a perpetrator will excuse, deny or blame others for their use of violence.

In her report to the Commission, Dr Nancarrow suggested that systems abuse strategies used by perpetrators in their interactions with police include:

- pre-emptively contacting police to report they have been assaulted by the primary victim, particularly where that victim may have used resistive force to protect themselves or others
- engaging with police calmly upon their attendance, which can contribute to a perception that the victim-survivor is 'aggressive' or 'out of control' as they may be distressed
- inviting police to empathise with them by using gender stereotypes, such as the 'emotional' or 'hysterical' woman or seeking to minimise, justify or mutualise their behaviour (such as attributing the issue to 'relationship problems').<sup>139</sup>

As highlighted by Associate Professor Molly Dragiewicz, School of Criminology and Criminal Justice, Griffith University, recidivist perpetrators of domestic and family violence also often see themselves as the real victims, particularly where police responses trivialise an episode of violence.<sup>140</sup>

The risk is that without a proper investigation, police may not look beyond injuries to one party to enquire as to the person who is the most in need of protection. One QPS member said that they had seen this occur:

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**A tick-and-flick attitude has resulted in officers incorrectly nominating the victim as a respondent. This occurs frequently and I would estimate in a DV Callover of about 60 matters, there would be 1-3 police applications that I would later have withdrawn because the person most in need of protection was nominated. If one party has**

**injuries, on many occasions they say, "that person had the injuries, so they are the most in need of protection", without investigating whether those injuries were caused by self-defence. Many occasions they also fail to scrutinise the history of the parties, which is available on all police computers.<sup>141</sup>**

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It appears that the QPS has not, to date, been successful at conveying both the gendered nature of domestic and family violence, and the importance of approaching their responses to, and investigations of, domestic and family violence with that in mind.

As discussed in Part 2 of this Report, the Commission reviewed the draft Domestic and Family Violence Manual under development by the Domestic, Family Violence and Vulnerable Persons Command in July 2022. The Manual did not identify the gendered nature of domestic and family violence or explain to officers how they should approach their investigations in light of this, while also keeping an open mind. The Commission considers that the QPS membership needs further training on this issue and makes a recommendation to that effect at the end of this chapter.

## **QPS MEMBERS AS DOMESTIC AND FAMILY VIOLENCE VICTIMS AND PERPETRATORS**

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QPS members who are also victim-survivors of domestic and family violence told the Commission about their experiences of poor responses by their colleagues. These accounts provide further insight into the cultural issues that influence QPS responses to domestic and family violence. One QPS member told the Commission:

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**I believe that Officers in the QPS have very limited skills or ability to be able to investigate any type of domestic abuse that is not physical – we have never been trained. This whole process has caused me much pain and suffering and I regret telling the QPS my domestic violence story. I feel sorry for any aggrieved person who tells the QPS their verbal, psychological and financial domestic abuse story – to be told sorry you can't prove anything so we can't help you. I want to believe that if an aggrieved person gave the QPS the same evidence as I provided them with – that they would help them. And the only reason the QPS did not help me was to protect my ex-husband because he is male and part of the boy's club that still exists in the QPS...**

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**I am disappointed about how I have been treated by the QPS. And I am very fearful of retribution if I challenge them any further but feel that I cannot let this go and want to help other victims of domestic abuse who are Officers of the QPS.<sup>142</sup>**

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This submission, and others like it, demonstrate it is not only women in the community, but female QPS members, who experience poor responses to domestic and family violence.

In addition to the distress of not being believed or receiving a poor response to their complaint, female QPS members in that situation must also consider if speaking up about their experience will lead to career disadvantage and bullying. This additional complexity makes the experiences of female QPS members who report domestic and family violence precarious indeed. One QPS member's submission highlighted the difficulties that QPS victim-survivors can experience in those circumstances. She said:

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About 5 years into my service I met and formed a relationship with another officer. It all started well, as they do, but it turned into what I now know is textbook coercive control with some elements of violence. This man was a very popular officer, lots of mates, lots of attention from women and very much one of the boys. He eventually left the service "medically unfit" after he claimed bullying and other issues and refused to accept a diagnosis of schizophrenia which I would suggest was from previous covert work.

In the time we were going out he would read my work emails (i didn't give him passwords), print them and give them to me with accusations about what they really meant, accuse me of sleeping with many men, if i got changed after work and went out that was a sign i was playing up, he would accuse me of doing things to deliberately annoy him, that i was a pointless useless person, that his overwhelming attraction to strippers was my fault, the fact that he slept with other police women was my fault, he would have people follow me as he always knew where i was and who i was with and would turn up at my house unexpectedly to "catch me out". I was interviewed by two of his friends for complaints he made that I was "stalking" him after he broke up which I could easily disprove. I said in both the interviews that they were friends of his so how was this fair but it was laughed at. Entirely "coincidentally" he built a house near mine in an area which he has no ties to which I hope has now been sold as had tenants for ages and has a business office in my town.

Towards the end he had me almost convinced that i should kill myself and i was lucky as a supportive female boss and a fantastic male PSO heard what i was saying and literally rescued me. **There was no way I was making a DV complaint against him as all his QPS mates would just laugh when I was upset and say it was my fault and the other women he was sleeping with believed him when he said that we weren't together. All his QPS friends said I was the crazy one obviously as he was such a good guy who wouldn't act like I said. I totally changed the way I looked, dressed and acted so I didn't make him angry so he wouldn't go tell all his friends how apparently crazy I was. There was more than one occasion I was genuinely worried he would hurt or try to kill me but I also knew that telling the QPS would do nothing, which is really sad.**<sup>143</sup>

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This and other experiences shared by female QPS members about domestic and family violence perpetrated against them by their police partners demonstrate that the QPS has failed to create a culture in which all female QPS members who report domestic and family violence are respected and protected.

This problematic organisational culture towards their own members who experience domestic and family violence was confirmed in QPS documents, including many case files that demonstrated female members who experienced domestic and family violence at the hands of police members were not properly supported, and their perpetrators not adequately held to account.

Submissions provided to the Commission and supported by information obtained from the QPS revealed that non-police partners of police perpetrators of domestic and family violence often also experience poor police responses to their situation.

What follows is a summary of some of the information the Commission received in relation to police perpetrators of domestic and family violence.

## MISOGYNY IN FOCUS – POLICE PERPETRATORS OF DOMESTIC AND FAMILY VIOLENCE

“The skills, training and network of policing agencies, which enable them to complete their work, make them highly dangerous OI DV [Officer-involved domestic violence] perpetrators.”<sup>144</sup>

Increased risks are created by a police perpetrator’s:

- knowledge of legal and judicial systems
- access to information networks such as QPRIME
- access to firearms and other weapons
- personal and working relationships with other QPS members.

The Commission heard from victim-survivors of police perpetrated domestic and family violence who had experienced these risks. Officers told the Commission:

“I was interviewed by officers working in the same district as him and was told that I could not expect confidentiality in the matter e.g. rest of the officers in the district may be aware of my complaints. That’s scary when you are already terrified of one officer”.<sup>145</sup>

“The perpetrator would often drop home during shift with their gun. Just to show that they were in control of me and that they would know if I was going out or making friends. This was an extremely difficult time to try and maintain a career, whilst being pregnant and trying to survive the extreme stress from the DV. I did not recognize it as abuse until late in the pregnancy, as I was always given ‘heartfelt’ excuses from the abuser relating to ‘work stress’ ... they promised to change. But the change was always short lived and gradually escalated back to DV”.<sup>146</sup>

“He made sure that I knew what sort of technology he has at his fingertips and he could see a birds eye view of my property at any given time via satellite”.<sup>147</sup>

The number of allegations of ‘member involved domestic violence’<sup>148</sup> made to QPS has more than doubled over the past ten years,<sup>149</sup> but only 8% of allegations of member involved domestic and family violence proceeded through disciplinary proceedings.<sup>150</sup>

“Prior to the police attending the perpetrator begged me not to say anything because he could lose his job and if he did, he wouldn’t be able to support the family. I acquiesced and when the three officers who attended, including a Sergeant due to a member of the police service being involved, I refused to answer any of their questions and told the officers it was because it would affect the perpetrators career... throughout my marriage the perpetrator let me know that I would have no recourse through the Queensland Police Service for his behaviour... he would tell me he ‘had the entire blue army behind him’.”<sup>151</sup>



The Commission also identified examples of member involved domestic violence in the complaint files it reviewed:

**In 2020**, a woman complained to police about her partner, Officer Silver, engaging in coercive controlling behaviours including accusing her of infidelity. The initial QPS investigation found it was not ‘necessary and desirable’ to obtain a Police Protection Notice on her behalf. She successfully made a private application instead. Officer Silver was charged with breaching the order and was stood down from public facing work. When he was convicted of the breach, his duties were further restricted. He was then charged with criminal offences relating to domestic and family violence and was refused bail. He was suspended with pay. He was charged with further criminal offences. Bail was again refused and the QPS suspended him without pay. He resigned and is now in jail.<sup>152</sup>

**In late 2018**, police attended a domestic and family violence related call for service at Officer Green’s home after an incident culminated in Officer Green and his wife scrambling over Officer Green’s firearm. Officer Green met police on the road and provided a version of events before they could speak to Mrs Green. Police issued a Police Protection Notice naming Officer Green as the aggrieved, and Mrs Green as the respondent. Within months, Mrs Green made a private application for a Protection Order and was granted a Temporary Protection Order the same day, naming her as the aggrieved and Officer Green as the respondent. Officer Green later pled guilty to charges of breaching the Temporary Protection Order, as well as to charges of computer hacking relating to his attempts to use QPS systems to locate Mrs Green after she fled to a women’s refuge. QPS transferred him to work as an education and training officer.<sup>153</sup>

**In late 2021**, Officer Umber’s former partner made allegations of domestic and family violence which included strangulation and sexual assault. Police took out a Police Protection Notice, an investigation took place, and a Temporary Protection Order was made naming Officer Umber as a respondent. In early 2022, Officer Umber was convicted of breaching that order. In mid-2022, Officer Umber was charged with offences relating to the original acts of domestic and family violence and was suspended with pay. Seventeen complaints had previously been made about Officer Umber over the course of 20 years, all of which had been found to be ‘unsubstantiated.’ Eight of these related to allegations that Officer Umber used excessive force, and one related to an allegation of sexual misconduct.<sup>154</sup>

**In late 2021**, Officer Brown’s girlfriend, Donna, complained to police that she had been the victim of sexual abuse, assault, and coercive control at the hands of Officer Brown. Officer Brown had sent Donna a multitude of inappropriate text messages, some of which used emojis to depict punching her and to imply she would end up in a wheelchair. QPS issued a Police Protection Notice naming Officer Brown as a respondent, and a Temporary Protection Order was made. As a result of the Temporary Protection Order, the QPS stood Officer Brown down and issued him with a Professional Development Strategy Document restricting his duties.<sup>155</sup>

**In 2019**, Officer Puce was named as a respondent to a Temporary Protection Order. His substantive position was a general duties Senior Constable. However, while the final Protection Order was in place, Officer Puce took up various relieving positions as a Training Officer, Sergeant and Watchhouse Shift Supervisor. In these roles, he would have had the ability to influence decisions about whether or not to grant bail in domestic and family violence matters.<sup>156</sup>

**Officer Scarlett** was named as a respondent to a Protection Order while he was a police officer in another Australian state in the mid-1990s. He then moved to Queensland and joined the QPS while that order remained in effect. In the late 2000s, he was named as a respondent in a Temporary and final Protection Order. Two months later, he was assigned to watchhouse duties. Since then, he has been charged on two separate occasions in relation to drink driving, and, less than five years ago, was named as a respondent in a third Protection Order. During the period of the third Protection Order, he relieved on three occasions as a Shift Supervisor/Sergeant, which would have enabled him to have influence over decisions about whether or not to grant bail in domestic and family violence matters.<sup>157</sup>

Professor Silke Meyer told the Commission that:

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**Officer involved DFV has been identified as a substantial issue of concern, including in Queensland, and requires a separate investigative branch to increase victim-survivor's confidence in reporting their experiences to a specialist unit rather than their abusers' immediate colleagues.<sup>158</sup>**

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Police officers who commit domestic and family violence are particularly dangerous as they have access to weapons and information and knowledge of the law and legal processes that most members of the community do not. The Commission noted that on occasions, police perpetrators have improperly accessed QPS databases to gain information about their case or about people involved in the case.<sup>159</sup>

It is self-evident that QPS members who perpetrate domestic and family violence in their personal lives are likely to also compromise QPS responses to domestic and family violence. They may respond poorly to members of the community who report domestic and family violence and they may exhibit attitudes and behaviours that affect the way those around them respond to domestic and family violence.

Further, submissions referred to earlier in this chapter suggest that police officers who experience a marriage breakdown often have a different and less tolerant attitude to female victim-survivors.

Currently, operational police officers who are respondents to Protection Orders are removed from their regular duties while they are subject to an order. In part, that is because officers who are subject to a Protection Order cannot, under the terms of an order, have access to weapons. At the expiry of an order, they can return to normal duties.

In the Commission's view, there would be merit in requiring police officers who are respondents to a Protection Order to complete a mandatory domestic and family violence informed assessment prior to their return to duties. Such an assessment would aim to determine whether the police officer holds any negative attitudes towards women or domestic and family violence that would be likely to impact on their ability to respond well to domestic and

family violence. If the assessment flagged any concerning attitudes, the officer should participate in counselling to challenge those attitudes and to ensure the QPS can be confident about the officer's integrity and ability to respond appropriately to domestic and family violence when they return to duty. A recommendation that such an assessment and counselling take place in these circumstances is made at the end of this chapter.

Officers should have access to appropriate counselling even where a final Protection Order is not made, or where an order is made by consent without admissions. This may assist in ensuring the experience does not affect the member's ability to respond to domestic and family violence.

The costs of this assessment and any counselling considered to be appropriate should be borne by the organisation. Further, the assessment and counselling should take place without undue delay, so the officer can return to normal duties as soon as possible, if that is appropriate in light of the outcomes of the assessment and counselling.

In the Commission's view, the organisation ought to be able to take some additional action against officers who are respondents to a Protection Order who are then alleged to have breached the order by committing further acts of domestic and family violence. In such cases, the Commission considers that the implications of having such an officer in the workplace at all, even if not on regular duties, are serious. The risk to the organisation that the officer will infect the workplace with attitudes that are negative towards women or domestic and family violence is increased, and the organisation ought to be able to take steps to remove the officer altogether, at least until such time as the charges have been resolved.

The Commission will therefore make a recommendation for a change in legislation which would require the suspension of a member, with full pay, if they are charged with breaching a Protection Order.

When advised of the recommendation, the QPS only sought to clarify whether the suspension would be with or without pay.<sup>160</sup> The Queensland Police Union of Employees was unsupportive of this recommendation, noting "*it should always be subject to discretion to enable the Commissioner to inquire into the alleged breach (as required) and make an assessment of the allegation.*"<sup>161</sup>

To address this concern, the recommendation will provide for circumstances in which the suspension is not mandatory.

## FINDINGS

- Negative attitudes towards women are prevalent within the Queensland Police Service and impact the ability of the Queensland Police Service to consistently respond well to domestic and family violence.
- There are pervasive views and beliefs about domestic and family violence among Queensland Police Service members which are not based on research or evidence. There is a need for further training to challenge those views and beliefs.
- The process of reporting domestic and family violence at the front counter of police stations is inconsistent across the state and victim-survivors can be treated poorly during that process. Queensland Police Service members do not always consider the privacy needs of a victim-survivor attending at police stations.
- When police officers perpetrate domestic and family violence, they are particularly dangerous as they have access to information and weapons which other perpetrators may not.
- When police officers are accused of domestic and family violence, it is possible those officers may respond to domestic and family violence calls for service differently and at times with scepticism.

## RECOMMENDATIONS

### Recommendation 27

Within 12 months, the Queensland Police Service ensure that all documents, policies and procedures relating to domestic and family violence prominently and clearly acknowledge that domestic and family violence is a gendered issue which is grounded in structural issues and power imbalance.

### Recommendation 28

Within 12 months, the Queensland Police Service improve its training in relation to domestic and family violence by ensuring all relevant programs contain clear messaging that:

- dispels myths that women frequently make up allegations of sexual assaults and domestic and family violence
- dispels myths that domestic and family violence is not a gendered issue
- dispels myths that an ideal victim exists
- explains the dynamics of power and control in relationships characterised by domestic and family violence
- reinforces the need to investigate domestic and family violence as a pattern of behaviour over time
- reinforces the need to consider the individual personal characteristics of the people in the relationship under investigation and account for those particular characteristics in investigations.

### Recommendation 29

Within six months, the Queensland Police Service improve the processes for reporting domestic and family violence at police stations by:

- requiring all stations to designate a private, safe and secure area for all persons presenting for domestic and family violence matters
- amending the Operational Procedures Manual to mandate that designated areas are used for all enquiries, discussions, reports and interviews with persons presenting for domestic and family violence matters
- requiring a professionally designed A3 notice advertising the availability of that private area produced by the Domestic, Family Violence and Vulnerable Persons Command, be prominently displayed at the front of all police stations.

### Recommendation 30

Within 12 months, the Queensland Police Service develop and implement a requirement that members who are respondents to a Domestic Violence Order complete a mandatory domestic and family violence informed assessment and, if considered desirable by the assessor, counselling, prior to their return to normal duties.

### Recommendation 31

Within 12 months, the Queensland Government amend section 6.1 of the *Police Service Administration Act 1990* to require the Police Commissioner to suspend, on full pay, a member who is charged with breaching a Protection Order at least until the matter is resolved, unless the member is able to prove, on the balance of probabilities, that exceptional circumstances exist such that the suspension should not occur.

## HUMAN RIGHTS CONSIDERATIONS

Developing and strengthening training to ensure that police adopt a nuanced trauma-informed and victim-centric approach to domestic and family violence will improve the way that victim-survivors are treated by police and promote the personal rights that are engaged when domestic and family violence is adequately responded to and prevented. Providing victim-survivors with a private, safe and secure place at police stations to make complaints or discuss domestic and family violence elevates their human rights

Those rights include recognition and equality before the law (s 15 HRA), right to life (s 16 HRA) liberty and security (s 29 HRA), protection for victims and families (ss 17 and 26 HRA) right to privacy and reputation (s 25 HRA) and cultural rights (ss 27 and 28 HRA).

Recommendations 30 and 31 may limit the human rights of an officer who is a respondent to a Protection Order, or who breaches a Protection Order. The requirement to participate in counselling and potential suspension pending resolution of a breach of an order may limit their recognition and equality before the law (s 15 HRA).

Restricting human rights can be justified where it is reasonable to protect the rights of others. In balancing the matters set out in s 13 HRA, the limitation is reasonable and justified because it promotes the rights of victims and potential future victims in domestic and family violence matters by ensuring that police officers who investigate domestic and family violence do so without prejudice.

In justifying the restriction of their human rights, the Commission recognises that police play a very significant role in responding to, disrupting, and preventing domestic and family violence, and protecting victim-survivors. Where police officers who are tasked to investigate domestic and family violence also perpetrate domestic and family violence, it is possible they will respond to calls for service differently. The QPS has an obligation to victim-survivors to ensure that police officers who are involved in investigating domestic and family violence matters will do so fairly and without prejudice.

This promotes the human rights of victim-survivors including their right to recognition and equality (s 15 HRA), right to life (s 16 HRA), right to liberty and security (s 29 HRA), protection of individual and families (s 17 and 26 HRA) and cultural rights (s 27 and 28 HRA).



## 9 Accounting for diversity

It is not only negative attitudes to women that contribute to poor QPS responses to domestic and family violence. As identified in Chapter 2 there are often shortfalls in QPS responses to domestic and family violence when one or both of the parties identify as LGBTIQ+, have a culturally or linguistically diverse background, are young or elderly, have a cognitive, intellectual, or physical disability, are experiencing mental health issues or have other complex needs.

This chapter outlines what the Commission heard about QPS failures to account for diversity when responding to domestic and family violence, and makes recommendations to improve policing responses. First Nations peoples and communities are considered in Part 4 of the Report.

This chapter also discusses the structural barriers that some people or groups may encounter when seeking assistance from police for domestic and family violence.

Submissions received by the Commission have plainly highlighted the importance of recognising how a person's identity and experiences may intersect to elevate their risk of domestic and family violence, compound existing harms and impact the way they engage with, or seek support from, services including the police.

While this chapter adopts a focussed approach to the issues raised by different priority groups, the Commission acknowledges the need to better recognise and respond to the impacts of multiple and intersecting layers of structural inequality such as sexism, racism, ageism and ableism, discriminatory and oppressive attitudes, substance use, mental health issues, homelessness and poverty.

As submitted by the Australian Association of Social Workers:

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**...different aspects of a person's identity can expose victim-survivors to overlapping forms of discrimination and marginalization. In the context of FDV [Family and domestic violence] police officers need to identify how the multiplicity of identities...can be associated with different sources of oppression and discrimination, and how those intersections can lead to increased risk, severity and frequency of experiencing different forms of violence.<sup>162</sup>**

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The Commission notes that the Women's Safety and Justice Taskforce made recommendations for increased inclusion and diversity training for police officers. The recommendations made in this chapter are intended to supplement these recommendations.

### PEOPLE WHO IDENTIFY AS LGBTIQ+

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Victim-survivors who identify as LGBTIQ+ may find their experience of domestic and family violence compounded by structural violence, stigma and difficult relationships within their family of origin. They are more likely to experience other complex and intersecting factors which elevate their risk and create barriers to help-seeking. There are also some unique differences in their experiences of domestic and family violence including a risk the perpetrator:

- uses their gender, sexuality or health status against them
- makes threats to 'out' them to family, friends, or work colleagues
- controls access to their medication or health care (such as for gender transition related care).<sup>163</sup>

The Commission heard evidence that police responses sometimes fall short of community expectations where one or more of the parties is a member of the LGBTIQ+ community.

Mr Ben Bjarnesen, QPS member and Managing Director of the LGBTQ Domestic Violence Awareness Foundation, told the Commission that members of the LGBTIQ+ community experience domestic and family violence at higher rates than the community average<sup>164</sup> and are less likely to report to police.<sup>165</sup> Ms Ellie Hansson, a lawyer with the LGBTI Legal Service, explained that even when they do make a report to police, members of this community can experience poor responses, which include not having reports taken seriously or a lack of sensitivity by police.<sup>166</sup>

The Commission was told of instances where police misunderstood domestic and family violence between same-sex couples as 'a lover's spat' in circumstances where they would have been more likely to take it seriously if it had occurred in a heterosexual relationship and instances where police improperly used deadnames or pronouns when dealing with gender diverse people.<sup>167</sup>

Sometimes the inadequacy of the police response appears to be a result of a lack of understanding of the dynamics of domestic and family violence, particularly coercive control, in non-heteronormative relationships.<sup>168</sup> In other cases, such as when a personal search was accompanied by invasive and inappropriate questions, the poor policing response might reflect an underlying lack of respect by police which may cause the person to feel unnecessarily uncomfortable.<sup>169</sup>

The Commission notes that the QPS has recently committed to making a formal apology to the LGBTIQ+ community for its historic enforcement of discriminatory laws.

The apology, which is expected to be made in 2023, will acknowledge that past QPS actions in “*enforcing the laws of the time that criminalised the expression of their sexuality*” caused “*hurt and pain*”.<sup>170</sup>

Mr Bjarnesen gave evidence that many people from the LGBTIQ+ community are reluctant to make a report to police because they fear they will be treated differently due to their sexuality.<sup>171</sup> Given the historical relationship between the police and the LGBTIQ+ community, this is, of course, entirely understandable. The Commission hopes that the planned apology by the QPS next year goes some way to providing people from the LGBTIQ+ community with greater confidence to report domestic and family violence.

In the meantime, there are other steps the QPS can take to improve its responses to domestic and family violence in the LGBTIQ+ community.

Mr Bjarnesen gave evidence that there is presently an inadequate amount of training for QPS members in relation to domestic and family violence in LGBTIQ+ relationships, while also noting that a lack of training is a wider issue across the domestic and family violence service sector. He said that the need for further training is:

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**...not just a QPS thing. I think that's support services as well. There's a really a huge lack of training in all things LGBTIQ+ across all police and all services which we really need to improve.**<sup>172</sup>

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The Commission agrees that further training would be beneficial and makes a recommendation to that effect at the end of this chapter.

Mr Bjarnesen believes QPS responses could be improved by transitioning the current roles of LGBTIQ+ liaison officers and program district co-ordinators to full-time positions filled by people with lived experience or, at least, officers who have received training on LGBTIQ+ issues generally, as well as the nature of the historical relationship between police and the LGBTIQ+ community.<sup>173</sup> The Commission agrees and makes a recommendation to that effect at the end of the chapter.

Mr Bjarnesen gave evidence that, although police have access to online information about domestic and family violence support services, that information does not include services specifically for the LGBTIQ+ community.<sup>174</sup> The Commission considers that it would be useful for police officers to have access to such a list and makes a recommendation to facilitate that at the end of this chapter.

## OLDER PEOPLE

There has been a significant increase in the number of older people reporting domestic and family violence in Queensland, often at the hands of adult family members or their partners, with the rate of older victims making complaints increasing by over 200% since 2012.<sup>175</sup>

This does not necessarily mean more older Australians are experiencing violence. Increased rates are also associated with an ageing population, the broader definition of domestic and family violence within the *Domestic and Family Violence Protection Act 2012*, as well as increased awareness and community reporting.

Older people who are socially isolated or who have poorer mental or physical health, including those with a disability, are also more likely to experience abuse<sup>176</sup> and may be less able to access support for domestic and family violence.

There are several reasons for this including:

- a lack of awareness that the abuse they are experiencing constitutes domestic and family violence, particularly where it involves their adult children
- concerns about police intervention against a family member who could also be their carer
- socially isolating and controlling behaviours by the perpetrator, which is exacerbated where an older person has physical or cognitive disabilities that make it difficult to report domestic and family violence to police.

Controlling behaviour and the emotional abuse that characterises coercive control are common features of elder abuse and share the same pattern that is present in intimate partner violence.<sup>177</sup> Ms Cybele Koning, CEO of Caxton Legal Centre, told the Commission that:

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**...Many of our clients are victims of years of coercive control by their adult children, often without any issues of physical violence and often concurrent with issues of financial or economic abuse. For a number of our older clients, many years of coercive control eventually culminate in an act of physical violence committed by a young, physically fit adult, against an older, physically frail person.**

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In addition to coercive control by adult children against their parents, our service assists older women who have been decades-long victims of coercive control within the context of intimate partner violence.<sup>178</sup>

Aged Disability Advocacy Australia told the Commission that community attitudes toward older people mean that these types of controlling behaviours by an intimate partner or family member toward older persons may be dismissed or tolerated as ‘genuine care’.<sup>179</sup>

The Commission also heard that when older people report controlling behaviours of adult family members or their partners to police, the abuse is sometimes dismissed as being a family matter in circumstances where it constitutes acts of domestic and family violence. Ms Koning provided the Commission with several serious examples of poor police responses experienced by elderly clients of the Caxton Legal Centre. They included:

### CASE STUDY: JOHN’S EXPERIENCE

John, aged in his 70s, rang police when his son had become enraged and kicked in John’s bedroom door. Fearing for his life, John rang police. When police arrived, they spoke first and at length to John’s son and daughter-in-law. When they eventually spoke to John, they asked him what he wanted to do without explaining to him what his options for action were. John, who had several serious health problems, ended up being taken by police to sleep on the couch of a relative. Police offered no further assistance.<sup>180</sup>

### CASE STUDY: GRETSEL’S EXPERIENCE

Caxton Legal Centre wrote a Notice to Leave for Gretel, a frail client in her eighties who reluctantly decided she could no longer cope with her abusive adult son, despite Gretel’s instincts to support him after his failed marriage and unemployment. Local police advised they couldn’t flag Gretel on their system as no offence had been committed and they wouldn’t necessarily become involved in a trespass matter should he over-stay his deadline to leave, despite the adult son having no legal right to remain in the premises.<sup>181</sup>

### CASE STUDY: ELIZA’S EXPERIENCE

In another case, Eliza, an elderly client rang Triple Zero and then Police Link asking for a Protection Order. She was told the verbal and emotional abuse and the theft of her food and belongings by her adult child and his partner did not amount to domestic violence and that she should write them a notice to leave and ensure they received it. Eliza did this in great fear of their reaction to the notice to leave. Fortunately, when she needed to ring police a few weeks later, a different officer immediately identified the issue as domestic and family violence and offered to assist.<sup>182</sup>

Ms Koning explained that the inconsistency of police responses makes it difficult for older people to know whether they can rely on police for protection against intergenerational abuse.<sup>183</sup>

Despite the prevalence of inconsistent police responses to the issue of elder abuse, and despite offers of assistance by Caxton Legal Centre to help with the development of training for the QPS, the QPS has not taken up the offer. Ms Koning explained:

...best practice would have that training co-developed and co-delivered, and that’s an invitation that we have put out to police since the last time that we did anything in terms of co-delivery of training, which was in 2016, and we have sent lots of training material to them as optional training packages that we could provide to them. We’ve sent them an eight minute video that explains elder abuse which they could use in training online, because they wanted something online. But what we’re lacking is any engagement about how we can actually assist to co-develop those materials and co-deliver it.<sup>184</sup>

Aged Disability Advocacy Australia also told the Commission that there are a number of resources which may assist police to better respond to older people experiencing domestic and family violence, including resources that address the impact of unconscious biases through the introduction of a positive obligation on police to challenge negative or discriminatory attitudes.<sup>185</sup>

The Commission considers that the evidence of inconsistent police responses to older people seeking protection in the context of domestic and family violence strongly suggests better training is required, and a recommendation to this effect is made at the end of this chapter.

Ms Koning also explained that the Operational Procedures Manual does not provide sufficient guidance to assist police to understand how to remove adult children from an older person’s home.<sup>186</sup>

In light of the evidence of the inconsistent levels of protection offered by police to older persons, and the additional barriers they may face in accessing support, relevant provisions of the Operational Procedures Manual should be clarified to make it easier for police to understand their duties and responsibilities when it comes to the removal of an adult child from the home of an older person affected by family violence. A recommendation to this effect is made at the end of this chapter.

## YOUNG PEOPLE

While it remains a relatively small cohort overall, young people are coming to the attention of police for domestic and family violence at a rapidly increasing rate. Between 2012 and 2021 the rate of people aged 18 years and under who were listed as offenders in domestic and family violence related occurrences more than tripled in Queensland. In real terms that is an increase from 152 to 483 people per 100,000 persons. The rate of victims of domestic and family violence who were under 18 years increased from 205 to 330 per 100,000 persons during the same period.<sup>187</sup>

Like other cohorts, this growth is not necessarily reflective of an increased use of violence but may be associated with changes in the approach taken by police and other agencies, as well as increased community awareness and improved reporting.

There are additional complexities faced by police when responding to young people experiencing or using domestic and family violence. The young people involved may also have a background of highly complex needs and vulnerabilities, with a history of exposure to domestic and family violence within their families.<sup>188</sup> The Commission heard from Brisbane Youth Service that their staff have observed poor responses by police towards young people, women, and particularly those with complex needs.<sup>189</sup>

The Queensland Network of Alcohol and other Drug Agencies (QNADA) submitted that young people's experiences of domestic and family violence can be complex and multilayered and may include:

- being a child in need of protection because of their exposure to parental domestic and family violence
- using or experiencing domestic and family violence within an intimate partner relationship
- experiences of child exploitation and sexual abuse which may, at times, be conceptualised as a 'consensual' intimate partner relationship by service providers and police.<sup>190</sup>

This latter issue was also considered by the Domestic and Family Violence Death Review and Advisory Board in its 2020-21 Annual Report regarding two cases where the victims' experiences of abuse, including sexual violence, commenced when they were approximately 14 years of age.<sup>191</sup> The Board noted that while police had undertaken investigations with respect to child sexual offences in both cases at the time no further action was taken by officers as the victims did not want to provide a report to police.<sup>192</sup> Both victims were exposed to ongoing violence into adulthood.

In addition to domestic and family violence between young people in intimate partner relationships, police are often called to incidents of violence by young people towards their parents.

Some police fail to recognise these acts of abuse as domestic and family violence, instead treating it as a 'parenting issue' which minimises the experience of the parent victim, colludes with the young person using violence and creates barriers for the victim-survivor seeking help in the future.<sup>193</sup> Micah Projects provided the following example of this:

### CASE STUDY: LIZ'S EXPERIENCE

Liz was experiencing violence from her 13-year-old son, including physical abuse, strangulation, emotional abuse, and coercive control.

During an episode of abuse, Liz contacted QPS for assistance in de-escalating her son as part of her safety plan. Upon arrival the two officers stated that this wasn't an issue for the QPS and the situation was a "parenting issue." Police said this to Liz in front of her son.<sup>194</sup>

Assistant Commissioner Brian Codd gave evidence at a hearing that he was aware that police often recorded occurrences of children using violence against their parents or grandparents as a "family disturbance" occurrence because they misinterpreted the definition of a relevant relationship under the *Domestic Violence and Family Protection Act 2012*. He told the Commission that he had instructed officers that this type of abuse should be recognised as domestic and family violence and should, at a minimum, be recorded as 'DV-other'.<sup>195</sup> It is anticipated that this will assist in police identifying the behaviour in a more appropriate manner.

The Commission heard that there is an increasing number of Protection Order applications being made in respect of young people by police.<sup>196</sup>

In Mount Isa, police officers reported that they had sought orders for children as young as 11 and 12 years old.<sup>197</sup> In these circumstances, it is important that police officers receive specific training about the need to carefully explain the conditions of applications and orders, in language which can be understood by the young person. The Commission makes a recommendation to that effect at the end of this chapter.

Brisbane Youth Service told the Commission of the complex issues that young women who access their services experience where they also have co-occurring mental health issues or may be engaging in problematic substance use. These issues, coupled with accommodation instability, place them in a vulnerable position in relation to domestic and family violence. Brisbane Youth Service submitted:

**Young people have expressed a lack of understanding and negative attitude from QPS towards young women experiencing DFV's Alcohol and Other Drug (AOD) use, mental health issues and past criminal history. When QPS intervene in a DFV setting, the young women's AOD use, mental health issues and/or criminal history appear to be**



at the forefront of the response and can be used against the young women, as though they are not credible, or less trustworthy in explaining the DFV. Young women regularly report feeling stigmatised by the police.

Young women have also described a lack of response to sexual violence by QPS. Young women report that one of the first things they are asked when QPS respond to sexual violence within DFV is whether they have used AOD recently. Young women report that they feel their experiences of sexual violence are not taken seriously. Young women presenting to BYS have often had a history of sexual abuse. They are also often couch surfing in tenuous and dangerous circumstances where they have had to rely on sexual transactions to secure their accommodation and/or may have fled a DFV situation. This creates a highly vulnerable cohort of young women who may be stigmatised by QPS in the event that they seek QPS support. Again, QPS staff can fail to take into account the developmental or crisis-related trauma experienced by many young women when approaching such complex situations.<sup>198</sup>

QNADA also raised concerns about how police respond to young people experiencing domestic and family violence who also use illicit drugs, particularly where the young person has a prior history of abuse and trauma or previous negative interactions with police or other statutory services.<sup>199</sup> This can act as a significant barrier to the young person making a report to police and, as a result, can increase their risk of future harm. QNADA highlighted the importance of police responding in a way that accords with community expectations and engenders trust, irrespective of the reason for the interaction.<sup>200</sup>

The Commission considers further training for police would be beneficial to assist them to recognise and respond to young people who have complex needs, and to assist them to recognise domestic and family violence between young people and their parents. A recommendation to this effect is made at the end of this chapter.

## PEOPLE FROM CULTURALLY AND LINGUISTICALLY DIVERSE BACKGROUNDS

People from culturally and linguistically diverse (CALD) backgrounds may experience additional barriers when seeking help from police for domestic and family violence. These may include community or family pressures to remain in a relationship, language barriers, fear of government officials based on their experiences of such services in their country of origin or lack of knowledge of the available support.<sup>201</sup> They may also hold religious or cultural beliefs about gender roles, particularly within marriage, or encounter a range of other cultural, financial and social factors that heighten the challenges they face when engaging with the justice system.<sup>202</sup>

Micah Projects, a community-based, not-for-profit organisation which provides support to people who experience domestic and family violence, including people from CALD backgrounds, told the Commission:

Our experience is that people of culturally and linguistically diverse backgrounds (CALD) are under-represented and their needs are not responded to effectively (Seagrave, Wickes., & Keel, 2021). This may be a consequence of language and cultural barriers that limit their ability to seek help. In addition, CALD victim/survivors have also disclosed to our service on multiple occasions that interpreters were not available to them on the day of their DV matter being heard in court. This places the victim/survivor at further risk as they are unable to disclose and express their concerns to their legal representation and they endure further discrimination.<sup>203</sup>

The Commission heard about the misidentification of CALD women as respondents, which was attributed to a lack of understanding by police of the impact of high levels of stress and prolonged trauma on women from CALD backgrounds who experience ongoing and escalating abuse, as well as the use of children as interpreters.<sup>204</sup> The Commission heard that it is not uncommon for police to fail to use interpreters when speaking with or interviewing members of the CALD community, especially victim-survivors, about their experiences of domestic and family violence.

Concerningly, this included instances where police relied on family members of a person who is experiencing domestic and family violence to give an account of what happened, rather than engaging an interpreter. Ms Toni Bell, the Director of Family Law and Civil Justice Services at Legal Aid Queensland, told the Commission she was aware of incidents when police had used children to interpret for their parents.<sup>205</sup> Such situations place the person affected by the violence and the family member in a difficult position and compromises the quality of information obtained by the police.

In more extreme instances, the Commission heard of police officers using the perpetrator to translate for the person experiencing violence.<sup>206</sup> A recommendation is made earlier in this Report for further training with respect to the use of interpreters.



The following example is based on the facts of a 2021 decision from the Queensland Civil and Administrative Tribunal:

## CASE STUDY: TINA'S EXPERIENCE

Tina, who spoke Mandarin, called police claiming her husband had attacked her with a knife. She spoke very limited English. When police arrived, they asked Tina if she spoke English, and she said she did, but not very well. Rather than seek an interpreter for Tina, who was injured, police instead spoke only to her husband, who said Tina had attacked him.

Based on what her husband told police, and despite the obvious wound to her hand, Tina was misidentified as the respondent. Tina's version was never obtained by police.<sup>207</sup>

Additionally, the Commission heard that, at times, police seem to lack awareness of CALD victim-survivors' anxiety about speaking up due to their fear of being deported, and cultural differences which contribute to a reluctance to speak openly about family violence.<sup>208</sup> While the Australian Government has sought to increase awareness of protections available for people on temporary visas who are experiencing domestic and family violence so they may remain in Australia,<sup>209</sup> a fear of deportation can inhibit disclosures and help-seeking by victim-survivors from a CALD background and can be used by the perpetrator as a form of control. A victim-survivor may also have concerns about the impact of making a report to police on a perpetrator's asylum-seeking status.<sup>210</sup>

As a result of recommendations from the Special Taskforce on Domestic and Family Violence (2015) the QPS introduced a number of changes to improve its responses to people from a CALD background who experience domestic and family violence.<sup>211</sup> The QPS submitted that the current policy outlined in Operational Procedures Manual 6.3.2 requires that, if a police officer wishes to speak to or communicate with a person, they are to establish whether the person has a cultural need that may require the presence of an interpreter.

Accepting that this is the policy, evidence received by the Commission that police feel under pressure to get to the next job, combined with evidence taken in hearings from officers about the use of interpreters and the experience of organisations who help CALD victim-survivors, it is evident that interpreters are often unlikely to be engaged where police attend a callout and victim-survivors are experiencing communication or language barriers.<sup>212</sup>

This is further confirmed in a joint submission by Dr Shane Warren, School of Public Health and Social Work, Queensland University of Technology, and the Immigrant Women's Support Service (IWSS) who told the Commission that:

**It is our observation that the QPS have a general lack of willingness and skills to engage interpreters when dealing with /assisting CALD women. Even when the women or the support**

**worker has requested an interpreter, police still do their own assessment first and going by client's ability to hold basic conversational English they are assessed as not needing or requiring an interpreter. There have been situations where a victim of DFSV [domestic, family and sexual violence] was not able to express their experience of DFSV due to no interpreting services provided to her even though the need of a professional interpreter was requested by the victim. There is also a lack of understanding of the need for professional and gender-based interpreters and this has left many victims/survivors of DFSV feeling disempowered resulting in them losing trust in the police.**<sup>213</sup>

One obvious consequence of the lack of awareness of the impact that a language barrier may have for people from a CALD background is that police may not progress investigations when they should. Another is that the victim-survivor is misidentified as the perpetrator of violence. The Commission considers that increased training would be beneficial to assist police officers to understand the barriers that might be experienced by people from CALD backgrounds that prevent them making reports of domestic and family violence and makes a recommendation to this effect at the end of the chapter.

## PEOPLE WITH A DISABILITY

While individual experiences vary, the Commission heard that people with a cognitive, intellectual or physical disability face extra barriers to reporting domestic and family violence to police, and additional challenges to being believed when they do make a report, especially where they are reliant on their abuser for care.<sup>214</sup>

This is particularly problematic given that research shows that violence against women with a disability may be more serious, occur over a longer period and be experienced differently.<sup>215</sup> A range of factors which may increase vulnerability or reduce a victim-survivors' capacity to seek help through the justice system include:

- the type of disability or impairment the person may have
- the level of dependence the victim-survivor may have on the perpetrator and
- broader community attitudes to people with a disability or impairment.<sup>216</sup>

Violence against people with a disability may also take different forms including withholding access to health care (such as medication or aids) or limiting the victim-survivors' access to service providers, as well as threats related to mothering or care-giving roles.<sup>217</sup> It may also include forced medical treatment, forced isolation or restraint and/or reproductive control.<sup>218</sup>

Submissions received by the Commission about people with a disability and their interactions with police around domestic and family violence identified that police may fail to make reasonable adjustments to support people with a disability to make a report, or may not believe them when they report violence.<sup>219</sup>

Aged Disability Advocacy Centre provided the following example:

## CASE STUDY: ZOE'S EXPERIENCE

Zoe is from a culturally and linguistically diverse background but has lived in Australia for most of her life. She has a traumatic brain injury, nerve damage and experiences frequent migraines. While she had been separated from her partner for some time, there was a history of domestic and family violence in the relationship, including emotional abuse and frequent threats of violence.

Zoe attended a police station to seek assistance after her former partner returned and attempted to take custody of their child. Notwithstanding the inherent difficulties of negotiating post-separation child custody arrangements, police at the station were noted as being “dismissive” and “unprepared to facilitate an initial conversation” until an advocate became involved.

While the advocate participated in an interview by telephone, it was reported that the “*officer's language and response [was] intimidating, dismissive and demeaning.*”<sup>220</sup> The perpetrator subsequently sought advice from police and gained access to the child as there were no Family Court orders in place, before returning the child to her mother's care as she was experiencing significant distress.

As reported by Aged Disability Advocacy Australia, on this occasion police “*did not appropriately consider [Zoe's] concerns about exposing the child to the risk of further violence by her ex-partner and did not take reasonable steps to investigate the risk, even after she recounted previous examples of abuse and described her fear for her own and her daughter's safety.*”<sup>221</sup>

Ending Violence Against Women Queensland told the Commission that existing processes within the QPS are “*inaccessible, inconsistently applied and disadvantage people experiencing intersectionality of disadvantage, such as disability and language barriers.*”<sup>222</sup>

The WWILD Sexual Violence Prevention Association Inc (WWILD) supports young people and adults with intellectual disabilities who have experienced violence, including domestic and family violence. WWILD told the Commission that it also has “*serious concerns about the responses given to women with intellectual disability who have experienced domestic and family violence, and sexual assault.*”<sup>223</sup>

WWILD provides ongoing interview skills training to QPS detectives. WWILD told the Commission that:

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**QPS staff at these training sessions have given feedback that identifying women with intellectual disabilities can sometimes be difficult and they often are not aware of the signs to look for or what questions to ask. Many of our clients have highlighted barriers they face in disclosing their disability to police, as well as suggestions for police about how to identify intellectual disability.**<sup>224</sup>

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WWILD highlighted the difficulties police face in identifying when a person has an intellectual disability and the resultant risk that police may not always recognise when a victim-survivor needs additional supports. According to WWILD:

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**Police identification of intellectual disability may be challenging due to impacts of an intellectual disability that present similarly to aspects of mental health issues, alcohol and drug misuse, trauma responses and other developmental or learning delays. However, we would like to further urge recognition that many women with intellectual disabilities face high rates of dual diagnoses and as such are often impacted by more than one presenting condition or issue at one time. This can lead to a woman's intellectual disability being missed, and in turn to police not knowing when to offer additional support or adjust their approaches.**<sup>225</sup>

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Ms Jacelyn Parsons, a victims of crime case manager with WWILD, gave evidence to the Commission that, in her experience, police officers only sometimes use video recorded statements (s 93A statements) to take a report from people with an intellectual disability, and should be encouraged to use this technique more often as it is often a substantially easier way for a person with an intellectual disability to provide their information to police.<sup>226</sup>

Additionally, Ms Parsons observed that police do not always use support persons when interviewing people with intellectual impairments. She said:

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**Most of my clients are engaged with WWILD because they feel like they would like additional support around the police system. I can only speak from my experience, but I feel like there's a really big miscommunication or I guess - sorry, I guess different information given by different police to the client saying that either they're allowed a support person or not allowed a support person. So it can make the process really, really difficult and really confusing because you're getting different information from different people.**<sup>227</sup>

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Ms Parsons relayed one of WWILD's client's experiences to the Commission:

## CASE STUDY: ANNA'S EXPERIENCE

Anna went to a police station. She was highly distressed and when she arrived police made her sit in a waiting room. By the time Anna was interviewed, she felt heightened and frazzled. Police told her that they did not understand her, and then that the matter was not going to proceed.

Anna felt like she will not go to back to the police if something happened to her in the future. Police previously asked her whether she needed to go to a psych unit, because she was having trouble explaining what had happened to her.<sup>228</sup>

The Commission has already recommended that the QPS improve training in relation to the use of video recorded statements (s 93A statements). In conjunction with that recommendation, the Operational Procedures Manual should be revised to assist police to understand when it is appropriate to video record the statement of people with a cognitive or intellectual disability.

In the Commission's view, police should receive improved training to help them identify a person who has a cognitive or intellectual disability and the circumstances in which it would be appropriate to offer to seek assistance from a support person or advocate. Recommendations to that effect are made at the end of this chapter.

## PEOPLE WITH MENTAL HEALTH ISSUES OR MULTIPLE COMPLEX NEEDS

Over the past decade, the QPS has undertaken a considerable amount of work to improve its responses to people experiencing a mental illness. This work has largely been informed by coronial findings and reviews that have identified the challenges police face when responding to a person experiencing a mental health crisis.<sup>229</sup> Similar to domestic and family violence, mental health related calls for service also represent a significant proportion of police time.

It is important that police understand the intersections between a person's mental health issues, and their experiences of domestic and family violence, as police may respond to:

- mental health related calls for service where domestic and family violence is an underlying issue, such as when a perpetrator is expressing suicidal ideation or intent as an act of coercive control
- domestic and family violence related calls for service involving one or both persons who may have a mental health issue
- domestic and family violence related calls for service where the perpetrator may misrepresent the victim-survivor as having a mental health problem to discredit their report of violence.

People with a mental illness who experience domestic and family violence may be reluctant to tell police as they fear being disbelieved or that their experiences of violence will be rationalised, resulting in victim-blaming and revictimisation.<sup>230</sup> The perpetrator may also use their mental illness against them, including to control access to children within the relationship or to discount the victim-survivor's report of violence. Indeed, for women experiencing domestic and family violence, *"mental ill health can be a compounding factor, a barrier, an outcome and a tool used by perpetrators"*.<sup>231</sup>

The Commission heard from a number of victim-survivors who disclosed that when they tried to report their experiences of violence to police, they were either not listened to or not believed because of their mental illness, or that police took other action with respect to their mental health issue and did not respond to their report of domestic and family violence.

The Commission heard of many instances where police made referrals to support services for victim-survivors which included (among other things) references to victim-survivors being *"hostile," "hysterical," "unreliable,"* and *"frequently mentally unwell."*<sup>232</sup> They also report that these words are *"seldom, if ever"* used about people perpetrating violence, even when they are relevant to risk assessment and response.<sup>233</sup>

For women who experience domestic and family violence, their mental health issues may also intersect with complex trauma and disability, restricting their access to justice as this system has not been designed to respond to trauma.<sup>234</sup> Brisbane Youth Service (BYS) told the Commission:

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**Within the context of DFV investigations, BYS staff have observed a difference in QPS investigations of DFV for young women with complex needs. These include young women from Culturally and Linguistically Diverse (CALD) backgrounds, First Nations young women, young women with complex mental health, young women who use Alcohol and Other Drugs (AOD), and young women with criminal histories. BYS staff have observed that for young people experiencing different intersecting needs, when QPS attend DFV incidents, responses to other complexities take priority over DFV. Implicit and/or explicit QPS attitudes towards young people's complex needs have profound impacts on the capacity and capability of QPS to respond to and investigate DFV involving young people.**<sup>235</sup>

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Some organisations, including Brisbane Youth Service, reported that police responses in such circumstances are often poor.<sup>236</sup> This may result in unfair outcomes for the victim-survivor, such as police supporting the perpetrator or inappropriately categorising the incident as requiring a mental health response instead of a domestic and family violence response.<sup>237</sup>

The Domestic and Family Violence Death Review and Advisory Board has repeatedly raised concerns about the way police and other services respond to victim-survivors with multiple complex needs or past histories of trauma, highlighting that they are more likely to experience stigma and discrimination when making a report of domestic and family violence.<sup>238</sup>

Ending Violence Against Women Queensland also told the Commission that:

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...police bias is not understood and influences police responses to people such as people from culturally and linguistically diverse backgrounds, sex workers, people with language barriers and disability. Psychosocial disability and trauma related distress is reported to be misrepresented frequently. This also leads to the hystericisation of female victims. Likewise, biases and outdated stereotypes undermine efforts to end violence, discourage victim/survivor reporting and embolden people to continue to perpetrate violence and abuse. This unintentionally creates a systems environment that further perpetuates gender-based violence and disempowers victims who are largely women and children.<sup>239</sup>

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Perpetrators exercise their control in multiple and varied ways, often tailored to their victim and what will cause the most impact. This diversity of impact can be further compounded by victim-survivors' experiences of other forms of oppression or privilege such as gender, age, race, disability, mental health, sexual orientation, language, employment and education. These interfaces will inform how victim-survivors respond to their experiences of violence and how they may respond to police. Capacity to recognise the diversity in the lived experience of victims, and how this shapes the impact of violence is a valuable tool for police to assess domestic and family violence risk and determine appropriate interventions.

Given the difficulties police officers face in accounting for complex mental health and multiple complex needs, the Commission considers police officers should undertake additional training to assist them to respond appropriately in such circumstances, and makes a recommendation to this effect at the end of the chapter.

## FINDINGS

- **Police do not always understand the additional barriers faced by people from diverse backgrounds or experiences when they report domestic and family violence, or when police investigate domestic and family violence. This lack of understanding affects police responses to people from the LGBTIQ+ community, young people, older people, people from culturally and linguistically diverse backgrounds, people with an intellectual, cognitive or physical disability and people with mental health issues or multiple complex needs. Further training would assist to break down these barriers.**

## RECOMMENDATIONS

### Recommendation 32

Within 12 months, the Queensland Police Service improve its training in relation to domestic and family violence by ensuring all relevant programs explain:

- the history of the relationship between police and the LGBTIQ+ community, and the way in which the nature of that relationship impacts on reluctance in the LGBTIQ+ community to report domestic and family violence to police
- the behaviours which amount to elder abuse, and the steps that should be taken to protect older people when they report harm from a family member
- how to recognise young people with complex needs and how to:
  - account for those needs in dealing with young people in the context of domestic and family violence
  - recognise domestic and family violence between young people and their parents and the importance of explaining that behaviour to the young person and offering referrals to the family
  - explain the conditions of applications and orders to young people in a language they can easily understand
- how to recognise or inquire about the barriers that may impact a person from a culturally and linguistically diverse background reporting domestic and family violence, and how to account for those barriers in order to appropriately progress a response or investigation

- how to recognise or inquire about whether a person has a cognitive or intellectual disability, and how to:
  - assess whether it would be appropriate to take a statement from a person with a cognitive or intellectual disability by way of a statement pursuant to section 93A of the *Evidence Act 1977*
  - determine whether it would be appropriate to provide a support person for any interactions with the person
- how to approach assessing whether a person with a cognitive, intellectual or physical disability is in need of protection and which factors to consider when the person who is using violence may also be the carer of the victim-survivor
- how to recognise the presence of multiple, intersecting complex needs, including for people with a mental illness, and the steps that should be taken when responding to, or investigating, reports of domestic and family violence in those circumstances.

### **Recommendation 33**

Within three months, the Queensland Police Service review the list of support services that are accessible by police to provide to people impacted by domestic and family violence to include, at a minimum, services which can provide support to:

- people who identify as LGBTIQ+
- men
- older people
- young people
- people from a culturally and linguistically diverse background
- people with a cognitive or intellectual impairment or disability
- people with additional complex needs.

### **Recommendation 34**

Within 12 months, the Queensland Police Service establish permanent, full-time LGBTIQ+ Liaison Officer positions in each district whose role involves being able to provide specialist advice to police officers about their interactions with people from the LGBTIQ+ community.

### **Recommendation 35**

Within six months, the Queensland Police Service update the Operational Procedures Manual to assist police officers to easily understand their powers and responsibilities when called to assist with the removal of an adult child from an older person's home.

### **Recommendation 36**

Within six months, the Queensland Police Service update the Operational Procedures Manual to assist police officers to easily understand when it is appropriate to take a statement from an adult with a cognitive or intellectual impairment or disability pursuant to section 93A of the *Evidence Act 1977*.

## **HUMAN RIGHTS CONSIDERATIONS**

Lack of understanding about the additional barriers faced by people from diverse backgrounds and experiences sometimes leads to poor police responses. Developing and strengthening inclusion and diversity training to assist police to understand the needs of victim-survivors from diverse backgrounds and experiences will improve the way police respond to those victim-survivors and promote their personal rights. Those rights include recognition and equality before the law (s 15 HRA), right to life (s 16 HRA) liberty and security (s 29 HRA), protection for victims and families (ss 17 and 26 HRA) and cultural rights (ss 27 and 28 HRA).



# 10 Burnout and fatigue

The Commission heard evidence from victim-survivors and community organisations about poor responses to domestic and family violence, ranging from women being turned away from police stations when they have tried to make a report, to attendances by police officers who appeared disinterested, disbelieving or disinclined to investigate. The previous chapters considered how sexism and misogyny, other negative attitudes towards women and other cultural issues within the QPS contribute to these poor responses.

However, it is not just negative attitudes towards women which cause or contribute to inconsistent and, at times, inadequate responses to domestic and family violence. Negative attitudes towards responding to domestic and family violence itself, irrespective of any attitudes or beliefs about the people involved, can also be a driver of poor responses.

There can be various causes of these negative attitudes. Some police officers believe that members of the public do not understand or appreciate the work police do in responding to domestic and family violence. They may resent attending domestic and family violence calls for service when they believe it is such a thankless task.

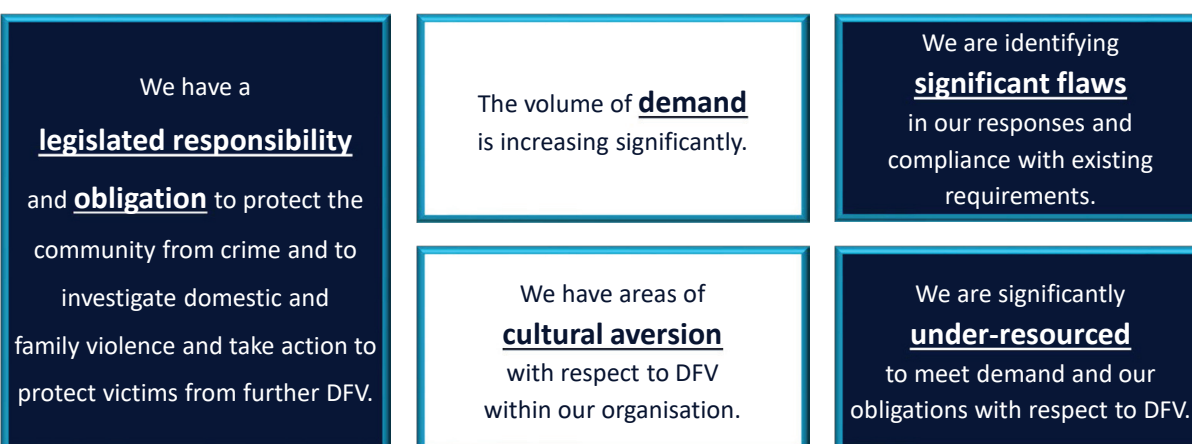
Other police officers feel a sense of futility about their response to domestic and family violence because they believe that their actions do not make a difference.

Still other police officers are sensitive to criticism of their efforts, both from within the organisation and from the media, and at times operate from a place of fear as a result.

A large number of police officers report a sense of fatigue and burnout in relation to domestic and family violence matters, either because of these attitudes and beliefs, the sheer workload, or a combination of both. The result is a cultural aversion within the QPS to domestic and family violence matters, leading to a reluctance by QPS members to respond to domestic and family violence related calls for service or attend to requests for help at station front counters.

The QPS leadership has known for some time that there are areas of cultural aversion in relation to domestic and family violence within the organisation. At an Executive Leadership Team (ELT) meeting in May 2021, two senior members of the Domestic and Family Violence and Vulnerable Persons Command identified 'cultural aversion' as one of the issues affecting QPS responses to domestic and family violence. The following is an excerpt of the presentation given to the ELT about problems regarding QPS responses to domestic and family violence:<sup>240</sup>

## PROBLEM



Domestic, Family Violence and Vulnerable Persons Command

Figure 24: DFV Deep Dive PowerPoint presentation to the Executive Leadership Team 12 May 2021

Addressing the cultural aversion to responding to domestic and violence matters is likely to lead to better responses by the QPS. However, the QPS must understand the causes of this cultural aversion before it can implement a remedy. This chapter examines those primary causes and considers ways to address them.

## AN UNRELENTING AND THANKLESS TASK

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The Commission heard that most police officers feel a great sense of pressure to respond effectively to domestic and family violence to keep the community safe. Despite this pressure, some officers believe that the community does not understand or appreciate the work they do in responding to domestic and family violence.

In 2018, the QPS engaged the Nous Group to conduct the QPS DFV-Q 2018 survey of its members' views about what was working well and where opportunities existed to improve responses to domestic and family violence.<sup>241</sup> The Commission had regard to the results of that survey and engaged the Nous Group to conduct a similar survey in July 2022. In total, 2,733 QPS members (approximately 15.7% of the QPS workforce) completed the QPS DFV-Q 2022 survey.<sup>242</sup>

Survey results revealed that nine in ten QPS members believe that pressures are increasing on police officers who respond to domestic and family violence.<sup>243</sup> Among general duties officers, who are most likely to be frontline responders to domestic and family violence, 97% considered this to be the case.

In addition to the survey results, the Commission heard from many QPS members who agreed that the pressure on police officers is great and ever-increasing. One former QPS member said:

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**There are also pressures to do the job perfectly with domestic violence in relation to interpreting who is most at risk, often in the face of a very complex family makeup and competing issues related to child custody and property disputes. While balancing those complex issues you have time pressures from the Police Communications Centre ('PCC'), DTACC [District Tasking and Co-ordination Centre] and your supervisors to attend other matters. There are very high expectations, and they can be frustrating when your assessment of what is important now is overridden by organisational goals motivated by statistics gathering.**<sup>244</sup>

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Many police reported that responding to domestic and family violence is simply unrelenting and causes fatigue and burnout. The QPS DFV-Q 2022 survey revealed that one in two QPS members felt burned out by the volume of domestic and family violence related calls for service they were required to attend. Only 7.4% of the respondents indicated they did not feel that way.<sup>245</sup> General duties officers felt an even greater sense of burnout. Three out of four felt burnt out from the amount of domestic and family violence matters they respond to.<sup>246</sup> One survey respondent said:

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**After almost 14 years in the QPS in GD's, I'm actively looking to get out and it is solely down to DV and the stress that it now causes. It has had such a significant impact on my mental health to the point where I have actively had to seek counselling. I know I am not alone in this.**<sup>247</sup>

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Another said the issue of burnout in relation to domestic and family violence matters is likely to cause detriment to the organisation if it is not addressed:

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**I am a General Duties officer in an extremely busy and populated District, and it feels as though at least 75% of [calls for service] I respond to are Domestic Violence related. I know I myself feel burnt out and overworked responding to these jobs and I know my colleagues feel the same. If we don't do something to lower these calls for service for DV, the service is going to be at a detriment either through loss of staff through resignation, or through a lack of care.**<sup>248</sup>

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Another QPS member urged meaningful change to reduce domestic and family violence fatigue amongst officers:

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**Reshuffling staff, firing staff and reducing the number of staff on the front line has done nothing more than exhaust those officers left in general duties and the majority of jobs they attend is.... DV. It's no wonder their tolerance is limited. There is no rest for them and extra trainings in DV is not the solution, it's just another tick in the box so management can say 'we did something'.**<sup>249</sup>

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There is little doubt that many officers attribute fatigue and burnout to structural issues, such as insufficient resources for frontline responses to domestic and family violence matters and complicated policies and procedures associated with responding to domestic and family violence.<sup>250</sup> These issues are discussed in Part 2 of the Report.

Evidence available to the Commission also demonstrated that many QPS members feel that the complexity of domestic and family violence matters is contributing to their sense of burnout.<sup>251</sup> As discussed elsewhere in this Report, this can be improved by greater training and better resourcing. However, there are clearly other causes, such as the thankless nature of the task, which contribute to this sense of burnout. One survey respondent said:

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**The public perception appears to be we aren't doing enough, and the process continually becomes more scrutinised and front line officers are the ones continually feeling the full force of the pressures.**<sup>252</sup>

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Another survey respondent said:

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**Police officers are doing everything we can, however receive no praise only all of the blame when something goes wrong.**<sup>253</sup>

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More than half of the QPS DFV-Q 2022 survey respondents thought that the community does not understand and appreciate the work police do in responding to domestic and family violence. By contrast, only 17.6% of respondents thought the community does understand and appreciate their efforts.<sup>254</sup>

The sense of being under-appreciated is greater among general duties officers. Among general duties officers, 68.6% felt that the community does not understand and appreciate what they do in responding to domestic and family violence and only 13.2% thought the community did.<sup>255</sup> Some police keenly feel the lack of support and appreciation from the community. One QPS DFV-Q 2022 survey respondent said:

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**Its difficult to answer what's going well, because the constant narrative, from media, the community and supervisors, is about what is not being done well. I still believe that most Police turn up to DV jobs to do their best, but quite clearly are not meeting the expectations of the aforementioned parties.**<sup>256</sup>

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One quarter of the QPS DFV-Q 2022 survey respondents indicated that they had received favourable comments from the community for their responses to domestic and family violence. By contrast, 30.2% disagreed with the statement that they had received favourable comments from the community for such work, and a further 23.3% were unsure.<sup>257</sup> One respondent said:

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**Police can't and never will solve domestic violence related issues in the current context. However, they are seen in the community as being the main source for its resolution and as such are criticised when things go wrong. If you want to give me the power to arrest and charge people who I deem to be perpetrators of domestic violence then I will fill our jails, but that's not the expectation of the community and quite rightly they expect a balance. If the community wants there to be a balance then they must accept that occasionally things will happen that can't be prevented/predicted.**<sup>258</sup>

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In addition to the QPS DFV-Q 2022 survey, the Commission engaged retired Detective Superintendent Mark Ainsworth to conduct interviews with QPS officers to explore the nature and extent of any cultural issues which impact on QPS responses to domestic and family violence.

Mr Ainsworth interviewed 53 police officers, and found that police are sensitive to media criticism of police failures in relation to domestic and family violence homicides. One officer reported to Mr Ainsworth that:

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**[Police] feel like they're under siege from the community and the media in doing their job in attending DV matters.**<sup>259</sup>

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Many QPS members told the Commission that this is an issue for police officers. One QPS member said:

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**Due to the high-profile nature of many DFV homicides and the criticisms levelled at operational police, a culture of 'covering your ass' and risk adverse decision making has evolved. This has led to officers taking out 'cross-orders', charging victims with offences stemming from retaliative violence and missing key indicators of lethality. Instead of being able to justify their reasons for taking (or not taking) steps and purposefully assess incidents, officers apply the 'cover your ass' 'just in case' approach or rely upon direction from more senior staff members. This approach is problematic as it makes identifying high-risk matters and parties more difficult and leads to the inconsistent approach observed across the state. If the QPS continues to train themselves with respect to DFV, I fear little improvement will be made in the way in which it is approached and cultural is changed.**<sup>260</sup>

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Professor Silke Meyer told the Commission that the QPS needs to do more to recognise and value the work of responding to domestic and family violence. She explained:

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Through my extensive engagement with QPS officers over the past 10 years across different research projects, I have made connections with different officers who have identified cultural attitudes within the organisation that hinder DFV informed police responses, contribute to inaction, victim-blaming attitudes and misidentification of the person most in need of protection. While this information may be considered anecdotal evidence, it suggests that **there are a number of police officers within QPS that are committed to providing high quality, trauma-informed responses to victims and alleged perpetrators of DFV and would like to see their organisation do better.**

To support this, organisational change is required, including leadership around improving attitudes towards violence against women. **In this context I see two issues. Leadership is required to promote DFV-informed attitudes, DFV as core policing business given the proportion of police work it makes up and support uptake of regular professional development among all police staff – regardless of rank and regardless of sworn or unsworn status. Further, leadership is required to support DFV as a ‘desirable’ area of policing.** In my experience working with DVLOs and DFV Coordinators over the years, these roles do not appear to lend themselves to career progression. They are less likely to be seen as a pathway to promotion and are thus filled by officers who are passionate about improving the lives of those affected by DFV rather than officers seeking career progression. As a result, those most committed to DFV reforms and improved police responses to DFV are less likely to progress into leadership positions that can promote and support organisational change.<sup>261</sup>

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This sense that responding to domestic and family violence is a thankless task, often misunderstood and under-appreciated by the community, was frequently linked by police officers to a sense of futility about their work.

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## A SENSE OF FUTILITY AND APATHY

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The Commission heard that many police officers feel a sense of futility when it comes to responding to domestic and family violence. The QPS DFV-Q 2022 survey results demonstrate that 36.6% of QPS members who participated do not consider that their work responding to domestic and family violence makes a difference. By contrast, only 26.3% of QPS members thought their actions made a difference in reducing domestic and family violence.

Constables and Senior Constables were the least likely to consider their actions made a difference (49.6% and 48.1% respectively disagreed that their actions made a difference). Members’ perceptions of whether their actions made a difference were more positive as their rank increased.<sup>262</sup> Only one in four general duties officers considered their actions made a difference, while 70.7% of those in specialist domestic and family violence roles thought their actions did.<sup>263</sup>

A sense of futility appears to lead to indifference on the part of some police officers. Mr Ainsworth’s interviews revealed that some police are apathetic in their attitude to domestic and family violence. One interviewee told Mr Ainsworth that *“many within the QPS give DV a red hot crack, and others just don’t care.”*<sup>264</sup>

One police officer told Mr Ainsworth that, in her view, domestic and family violence fatigue causes officers to lose empathy towards victims.<sup>265</sup> Many officers expressed the view that domestic and family violence is not, or should not be, the responsibility of police.<sup>266</sup> A Senior Sergeant articulated this attitude as *“police didn’t join the service to be social workers.”*<sup>267</sup>

A common theme reported to Mr Ainsworth was that repeat calls for service involving the same parties contributed to police negativity about responding to domestic and family violence.<sup>268</sup> Many police officers, it would seem, feel a sense of frustration toward victim-survivors who they believe are not taking steps to break the cycle of domestic and family violence themselves.<sup>269</sup> One QPS member expressed the issue in this way:

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**The culture is that Police hate investigating DV incidents. They feel it is a massive waste of time spending hours doing an application only for the aggrieved to return to the respondent in a few days and asking for the application to be withdrawn.**<sup>270</sup>

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The Commission considers that the QPS has a key role in addressing the frustration of police officers who mistakenly believe that their efforts are not making a difference in addressing domestic and family violence. Nuanced training for police about the power and control tactics that perpetrators of violence use and the multiple barriers to separation faced by victim-survivors, including financial, structural, and social pressures, may help alleviate this sense of frustration. It is also important that police understand that every time they attend a call for service, they help to de-escalate the immediate risk of harm for a victim-survivor and their children, and have an opportunity to help someone move closer to separating. Their attendance can prevent or reduce serious harm and injury. At times it saves lives.

Recommendations made in Part 2 that seek to improve the support specialist resources provided to frontline police, including enhanced interagency partnerships, may also assist.

Another issue reported to Mr Ainsworth was a sense of disillusionment caused by victim-survivors’ reactions to police attendance. One Senior Sergeant told Mr Ainsworth that many First Year Constables are surprised to find that a person affected by violence may be unwilling to speak to police, or officers find themselves otherwise surprised

and disappointed by their behaviour.<sup>271</sup> Victim-survivors decisions about when, how and why they disclose their experiences of violence are influenced by whether they feel safe to disclose, the circumstances of police attendance, the dynamics of the relationship, previous negative interactions with police or other services or prior trauma.

They may also feel that the disclosure will not make a difference or that it may escalate their experiences of abuse.

Other police told Mr Ainsworth that many police officers think that intervention beyond keeping the peace is a waste of time because police are not trained marriage counsellors.<sup>272</sup>

In some cases, apathy in relation to domestic and family violence appears to be tied to a belief that responding to domestic and family violence is not real police work. One QPS member said:

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**Traditionally policing as a career has often attracted applicants (particularly young males) wanting to ‘fight crime’, ‘lock up baddies’ and serve the community. Upon realising 40% of the workload relates to DFV, they fast become jaded and subscribe to the mentality of more senior staff members about DFV. Particularly that DFV is time consuming, burdensome and not real police work (rather often suggested to be social work or civil issues between parties). I myself have heard this rhetoric on numerous occasions.**<sup>273</sup>

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The QPS DFV-Q 2022 survey findings and Mr Ainsworth’s investigations highlight the importance of the QPS taking action to improve their members’ sense of purpose and utility in responding to domestic and family violence. The QPS could do this by finding ways to remind its members that they play a vital and much-appreciated role in responding to domestic and family violence in the community.

## FEAR OF GETTING IT WRONG

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Many police officers expressed the view that there is a pervasive fear of making a mistake in relation to responding to domestic and family violence. Perhaps somewhat counter-intuitively, police officers report that this results in a culture of “*covering your arse*” in relation to domestic and family violence, rather than taking the time to properly consider and investigate the matter before acting.

Only 29% of respondents to the QPS DFV-Q 2022 survey said that they received recognition or praise when their supervisor thought they had managed a domestic and family violence matter well. By contrast, 25.2% of respondents disagreed with that statement, and a further 26.1% were neutral.<sup>274</sup>

One QPS DFV-Q 2022 survey respondent said:

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**It is uncommon to get any praise for ‘doing your job’ from superiors re dv, or any for that matter, simply adding to the burnout of doing DV every day.**<sup>275</sup>

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In a similar way, many QPS members do not believe that mistakes in domestic and family violence matters are treated as learning opportunities. In fact, only 25% of respondents considered that mistakes are treated as learning opportunities, while 39.4% disagreed with that statement.<sup>276</sup>

Among general duties officers, the responses were even more stark. Only 26.2% agreed that mistakes are treated as learning opportunities, while 48.4% disagreed.<sup>277</sup> As discussed in Part 2 of this Report officers also expressed concerns about the level of oversight and compliance monitoring by specialist domestic and family violence officers or units within the QPS, particularly where these officers or units are not available after hours to provide operational advice and support.

This does not have to be the case. For example, Acting Inspector Brett Jackson, an officer with considerable experience as a detective, gave evidence that when he was the Officer in Charge of Logan Central Police Station, he regularly reviewed the body-worn camera footage of his officers at domestic and family violence incidences.<sup>278</sup> He said that he was able to “*use my experience to be able to watch the footage and provide opportunities for them to be able to improve and to do better,*”<sup>279</sup> and that the officers generally appreciated the feedback and later returned with future examples to review with him.<sup>280</sup>

One QPS DFV-Q 2022 survey respondent described the consequences for incorrect domestic and family responses in this way:

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**Frontline police are petrified of being disciplined due to not being able to predict the future. Frontline police are “covering themselves” in the event something unforeseen happens in the future. Police are making applications for DV Orders or adding extra conditions when the circumstances don’t justify that action. Police still take that action because they are scared of being disciplined.**<sup>281</sup>

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Another survey respondent said:

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**Using threats of “cover your arse” and “what if” diminishes confidence in staff and creates an atmosphere of fear and preparedness of staff to act hastily and incorrectly.**<sup>282</sup>

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Another said:

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**Senior leaders are very ‘outcome’ based. If there is a good outcome, nobody cares how you got there. If there is a bad outcome, your decisions made will be scrutinised to the highest level irrespective of whether you did a good job and operated within police/legislation. When dealing with domestic violence, pressure from senior members has given general duties police a mentality of ‘how best do we cover our arse’ and not what’s in the best interest of the parties involved.<sup>283</sup>**

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About 45% of survey respondents said their colleagues did not, or they were unsure whether their colleagues did, take the time to analyse the underlying issues of a domestic and family violence matter so as to form a holistic view of the case.<sup>284</sup>

It seems that simple words of recognition of a job well done in respect of domestic and family violence would go a long way to assisting with the current cultural aversion to domestic and family violence. One survey respondent said:

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**More praise when officers do good work at DV incidents as it seems good work goes un-noticed but mistakes are heavily criticised.<sup>285</sup>**

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Mr Ainsworth’s investigations revealed a similar concern among police officers. He said that a culture of “*covering your backside*” when attending domestic and family violence matters has been brought about by a number of matters, including the scrutiny of domestic and family violence responses by the QPS as well as by the media.<sup>286</sup>

Mr Ainsworth said that this approach of just “*covering your backside*” resulted in some police officers only taking the necessary action to cover themselves from recrimination, rather than undertaking proper investigations.<sup>287</sup> He said some attend domestic and family violence matters looking for ways to write the matter off, rather than investigate it.<sup>288</sup> Mr Ainsworth said that one Senior Constable reported to him that, in his experience, “*many frontline officers do not investigate to the necessary level to obtain a full picture of the relationships from the incident*”.<sup>289</sup> A Detective Senior Constable also reported that “*some officers shut their eyes as much as they can because if they don’t see the evidence, they don’t have to deal with it*”.<sup>290</sup>

Mr Ainsworth’s investigations suggested that it is the Officers in Charge, shift supervisors and District Duty Officers who have the most influence when it comes to cultural attitudes to responding to domestic and family violence.<sup>291</sup> Given that, and the clear wishes of police officers to receive positive feedback for a job well done, the Commission recommends that the QPS investigates ways to ensure that supervisors recognise or praise officers who respond well to matters involving domestic and family violence.

The evidence that police fear ‘getting it wrong’ when responding to domestic and family violence strongly suggests that the organisation ought to do more to ensure that, at supervisor level, there is greater emphasis placed on constructive feedback and recognition of good work by officers. A recommendation to this effect is made at the end of the chapter.

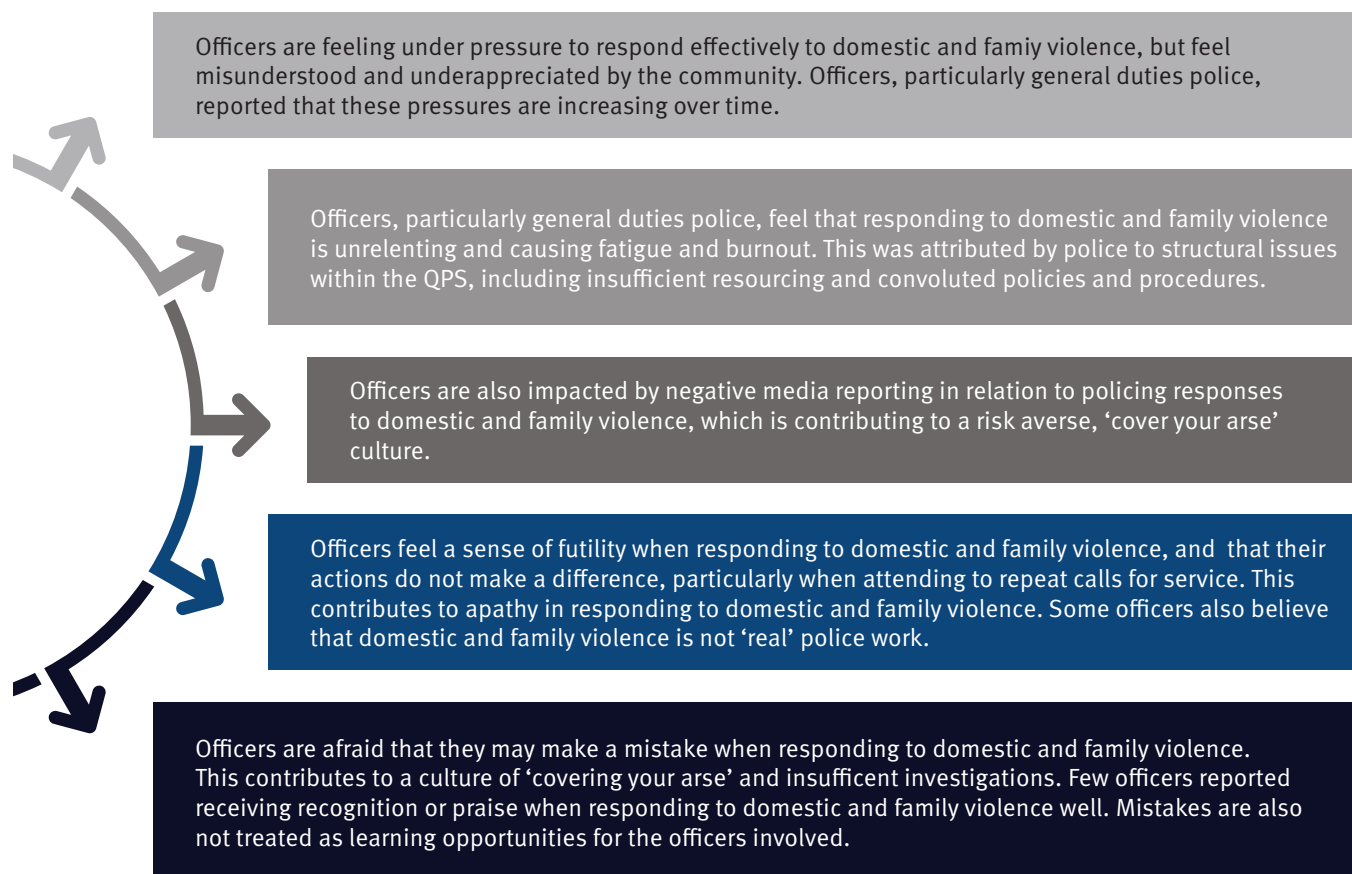


Figure 25: Summary of issues related to burnout and fatigue reported by police when responding to domestic and family violence.

## ORGANISATIONAL RESPONSES TO BURNOUT AND FATIGUE

Dr Jacqueline Drew is an expert in the organisational psychology of policing and is currently working with Professor Janet Ransley from Griffith University and the QPS on a three-year study of the mental health of the QPS membership. The aim of this study is to develop a practical early warning system to provide QPS leaders with evidence-based red flags to identify work units at high risk for workplace health and performance problems.<sup>292</sup>

Dr Drew told the Commission that a 2018 study of the QPS revealed that between 60% and 65% of police experience some form of burnout.<sup>293</sup> In Dr Drew's opinion, the current rate of burnout is likely to be at least that high, and potentially higher.<sup>294</sup> Although the traumatic events that police are required to respond to contribute to burnout and fatigue, research has shown that the policing agency itself and the operational stressors in the organisation have a greater impact on burnout.<sup>295</sup>

Professor Andrea Phelps, Deputy Director of Phoenix Australia, the Centre for Post-Traumatic Mental Health, gave evidence to the Commission which confirmed that police officers who respond to domestic and family violence are at high risk of developing compassion fatigue and burnout.<sup>296</sup> She said that organisational factors that contribute to burnout, in addition to individual risk factors, include morale, team spirit and leadership.<sup>297</sup>

Dr Drew explained that red tape, overly burdensome administrative tasks, constant policy changes and the impact of scrutiny all have an impact on burnout.<sup>298</sup> In addition, burnout and cynicism can be compounded when an organisation, having undertaken surveys about a workforce's level of burnout, is perceived by its membership to have failed to make improvements. The views that QPS members communicated to the Commission suggest that the level of burnout in the membership is partly related to a perception that, despite attempts to tell the leadership that more resources are needed, not enough has been done.

Dr Drew also reported that, in many cases, police officers who appear unsympathetic, disengaged and not victim-focused may in fact be suffering from burnout.<sup>299</sup> This tends to suggest that improvements in the organisation's ability to address burnout in its membership is likely to result in the community more consistently feeling that they have been assisted by empathic, engaged and victim-focused officers. Professor Phelps also confirmed that addressing organisational and operational risks are the most promising opportunities for the prevention of burnout.<sup>300</sup>

These issues are not new to the QPS. *The Greenfield Review* (2019) identified that it had received significant and prevalent feedback about the level of fatigue across the organisation, as well as feedback that QPS members' mental health was not adequately monitored and supported. In the Commission's view, the QPS should establish a joint committee to address burnout and fatigue and makes a recommendation to that effect at the end of this chapter.<sup>301</sup>

The Commission has seen data which demonstrates that much of the organisation is fatigued and tired. For example, the average number of sick days per police officer in the Communications centres, where police are responsible for taking and distributing calls for service including reports of domestic and family violence, is higher than 36 per year,

suggesting an exhausted workforce.<sup>302</sup>

Mr Ian Leavers, President of the Queensland Police Union of Employees, told the Commission that "*the psychological welfare of [QPS members] is a real issue*"<sup>303</sup> and that "*they are damaged through the course of their duties.*"<sup>304</sup> Mr Leavers was of the view that injury management within the QPS was not robust enough and that the impact of seeing domestic and family violence drains police and can affect "*how [they] respond to calls for service into the future.*"<sup>305</sup> The QPUE recommended that the QPS develop a scheme to allow police officers who are commonly exposed to traumatic events to be periodically placed in less stressful environments to have a break. The Commission considers there would be merit to such a scheme and makes a recommendation to this effect at the end of the chapter.<sup>306</sup>

Further, a jurisdictional comparison of injury management caseloads in the *Greenfield Review* demonstrated that Queensland has significantly less injury case managers, as a percentage of the total workforce, than other jurisdictions, and that the average case load per case manager is significantly higher.<sup>307</sup>

In 2020 the QPS engaged Aspect Group to analyse injury management claims by members and to provide insights and recommendations to improve health and wellbeing outcomes for members.<sup>308</sup> The final report noted that claims were trending upwards, with an increase in complex psychological ill health and injury cases. These increased claims have led to a bottleneck in the QPS injury management system.<sup>309</sup> The review made several recommendations, including the introduction of a hybrid model of support with a centralised specialist team taking responsibility for more complex cases, and local teams in Wellbeing Hubs managing simple cases.<sup>310</sup>

The QPS also engaged P2E to carry out an organisational review of its Safety, Wellbeing and Central Panels Division (SW&CP Division). P2E finalised its report in September 2022, and found that issues identified in the earlier Aspect Group review persisted and that the QPS had not implemented the hybrid injury management model recommended by Aspect Group. The P2E report concluded that the injury management team was still carrying an excessive and unsustainable workload.<sup>311</sup> P2E recommended a whole of enterprise transformation program for the organisation, with an initial focus on the SW&CP Division. The recommendation included a hybrid model of injury management similar to that proposed by the Aspect Group with the addition of virtual teams and an extension to the wider range of services provided by the Safety and Wellbeing Division.<sup>312</sup>

Dr Drew said that adequate resourcing would assist in reducing officer burnout, as well as addressing officers' attitudes towards domestic and family violence.<sup>313</sup> Recognition of the value of responding to domestic and family violence would also improve fatigue and burnout.

In Dr Drew's view, the recognition necessary for such improvement is two-fold. First, recognition from the organisation for good work would help alleviate burnout. Second, the organisation needs to manage the relationship between the community and the organisation in relation to domestic and family violence so that officers do not feel devalued by the community.<sup>314</sup> A simple celebration or public callout when a community member comments on an officer's good work would help dispel this feeling.

In light of this, it would appear that, in addition to increasing resources for officers who respond to domestic

and family violence, it would be beneficial for the organisation to ensure that supervisors, such as Senior Sergeants and Officers in Charge, demonstrate the capacity to effectively respond to domestic and family violence and the leadership skills to encourage junior officers in their efforts to respond to domestic and family violence. A recommendation to this effect is made at the end of this chapter.

The QPS told the Commission that between 2017 and 2019 the QPS held Domestic and Family Violence Prevention Awards, with two of the five award categories being for Domestic and Family Violence Coordinators and Domestic and Family Violence Liaison Officers. The QPS advised that it intends to recommence these awards.

In the Commission's view, there would be merit in expanding any award scheme to recognise excellence in front line policing responses to domestic and family violence, and a recommendation to that effect is included at the end of this chapter.

The QPS must remind its membership that the Queensland community values their efforts and contributions to counteract members' experience of burnout as a result of negative media coverage. Indeed, national data reveals that Queensland enjoys levels of community support for police above the national average (82.4 % for Queensland versus a national average of 80.7%). Those community members who have had contact with police over the previous 12 months also report satisfaction levels with police above the national average (82.5% versus 81.9%).<sup>315</sup>

It is a difficult balance to strike, however, acknowledging that there are problems that must be addressed within the QPS should not detract from the message that the community has a significant appreciation for QPS members across the state.

## FINDINGS

- **Queensland Police Service members are experiencing burnout and fatigue in relation to domestic and family violence. Many members are reluctant to respond to domestic and family violence because of that burnout and fatigue. The Queensland Police Service does not offer sufficient support to combat this issue.**
- **Good policing of domestic and family violence is not rewarded or valued sufficiently within the Queensland Police Service.**
- **There is much the Queensland Police Service can do to mitigate its officers' burnout and fatigue in relation to domestic and family violence. Strategies to encourage police officers in their efforts are likely to improve Queensland Police Service responses to domestic and family violence.**

## RECOMMENDATIONS

### Recommendation 37

Within 12 months, the Queensland Police Service establish a joint committee to address burnout and build the organisation's psychological health and wellbeing based on evidence. This joint committee should comprise, at a minimum:

- Queensland Police Service (Chair)
- Queensland Police Union of Employees
- Queensland Police Commissioned Officers Union
- Queensland Public Service Commission
- External experts/academics
- Nominated representatives from the Queensland Police Service.

The committee is to be tasked with assessing and building on research about levels of burnout and psychological stress within the Queensland Police Service; designing and driving relevant strategies to address burnout and psychological stress; supporting periodic evaluation of the effectiveness of those strategies and recommending action to the Executive Leadership Team.

### Recommendation 38

Within 12 months, the Queensland Police Service develop a scheme to allow frontline officers and those commonly exposed to traumatic subject matter to be able to choose to be periodically placed in less stressful environments for a period of time sufficient to allow them a proper break from the work they were doing. Such placement should not include a Domestic and Family Violence and Vulnerable Persons Unit.

### Recommendation 39

Within six months, the Queensland Police Service incorporate the following as a criterion for promotions to operational and frontline Senior Sergeant positions including Officer in Charge vacancies: *'a demonstrated capacity to deliver and lead effective domestic and family violence responses'*.

### Recommendation 40

Within six months, the Queensland Police Service establish and/or expand an excellence in policing service delivery award scheme to acknowledge distinction in police responses to domestic and family violence.

## HUMAN RIGHTS CONSIDERATIONS

The role of police in the investigation of domestic and family violence is an important and difficult one. It takes a toll on officers who are regularly exposed to trauma. This is compounded by a lack of resourcing and support, making it difficult for them to perform their job effectively and causes burnout and fatigue. The QPS has an obligation to ensure that the mental health of their officers is protected.

Ensuring that the organisation's psychological health and wellbeing is addressed will promote the rights of officers, including recognition and equality before the law (s 15 HRA) and right to life (s 16 HRA).

Additionally, recognising officers' capacity to deliver and lead effective domestic and family violence responses will help promote the rights of victim-survivors by ensuring that police are more engaged in responding to domestic and family violence.

Those rights include recognition and equality before the law (s 15 HRA), right to life (s 16 HRA) liberty and security (s 29 HRA), protection for victims and families (ss 17 and 26 HRA) and cultural rights (ss 27 and 28 HRA).

## ENDNOTES – PART 3

- 1 Transcript of proceedings, Commissioner Katarina Carroll, 18 August 2022, Brisbane [p 2070: line 43 – p 2071: line 1].
- 2 Confidential, Commission of Inquiry Submission 380, 28 August 2022.
- 3 Confidential, Commission of Inquiry Submission 380, 28 August 2022.
- 4 Anonymous, Commission of Inquiry Submission 414, 30 August 2022.
- 5 Statement produced by the Queensland Police Service in response to NTP 2.077, Item 1, 12 October 2022 [p 1].
- 6 Statement produced by the Queensland Police Service in response to NTP 2.077, Item 1, 12 October 2022 [p 1: para 2].
- 7 Statement produced by the Queensland Police Service in response to NTP 2.077, Item 1, 12 October 2022 [p 1: para 3] (emphasis added).
- 8 Confidential, Commission of Inquiry Submission 307, 18 August 2022.
- 9 Confidential, Commission of Inquiry Submission 380, 29 August 2022 (emphasis added).
- 10 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.061, Item 2, requested 16 September 2022.
- 11 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.061, Item 2, requested 16 September 2022.
- 12 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.061, Item 5, requested 16 September 2022.
- 13 Confidential, Commission of Inquiry Submission 424, 31 August 2022 (emphasis added).
- 14 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.061, Item 24, requested 16 September 2022.
- 15 Anonymous, Commission of Inquiry Submission 480, 2 September 2022 (emphasis added).
- 16 Transcript of proceedings, Commissioner Katarina Carroll, 18 August 2022, Brisbane [p 2017: lines 25-34].
- 17 Confidential, Commission of Inquiry Submission 437, 1 September 2022.
- 18 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.060, Item 13, requested 15 September 2022.
- 19 Confidential, Commission of Inquiry Submission 578, 5 September 2022 (emphasis added).
- 20 Confidential, Commission of Inquiry Submission 541, 5 September 2022 (emphasis added).
- 21 Transcript of proceedings, Commissioner Katarina Carroll, 18 August 2022, Brisbane [p 2006: lines 11-13].
- 22 Anonymous, Commission of Inquiry Submission 14, 30 August 2022 (emphasis added).
- 23 Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2021.
- 24 Confidential, Commission of Inquiry Submission 328, 22 August 2022 (emphasis added).
- 25 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.047, Items 1 and 2, requested 24 August 2022.
- 26 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.061, Item 6, requested 16 September 2022.
- 27 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.061, Item 3, requested 16 September 2022.
- 28 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.061, Item 8, requested 16 September 2022.
- 29 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.061, Item 10, requested 16 September 2022.
- 30 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.061, Item 13, requested 16 September 2022.
- 31 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.061, Item 4, requested 16 September 2022.
- 32 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2109: lines 42-44].
- 33 Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2021.
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- 35 Confidential, Submission of Inquiry Submission 383, 29 August 2022 (emphasis added).
- 36 Confidential, Commission of Inquiry Submission 704, 5 October 2022.
- 37 Confidential, Commission of Inquiry Submission 722, 7 October 2022.
- 38 Confidential, Commission of Inquiry Submission 387, 29 August 2022.
- 39 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.057, Item 8, requested 9 September 2022.
- 40 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.057, Item 8, requested 9 September 2022.
- 41 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.057, Item 8, requested 9 September 2022.
- 42 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.057, Item 8, requested 9 September 2022.
- 43 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.050, Item 4a, requested 31 August 2022.
- 44 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.050, Item 4a, requested 31 August 2022.
- 45 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.050, Item 4a, requested 31 August 2022.
- 46 Confidential, Commission of Inquiry Submission 245, 22 July 2022; Exhibit 39 (B12), Senior Women's Collective Lived Experiences, Tender Bundle W, tendered 5 October 2022. This document is subject to an Order for Non-Publication made on 5 October 2022 – see Exhibit G.
- 47 Confidential, Commission of Inquiry Submission 776, 26 October 2022.
- 48 Confidential, Commission of Inquiry Submission 735, 9 October 2022 (emphasis added).
- 49 Exhibit 39 (B18), Assessment investigator's requests for contact with complainants following investigations in case study 3, Tender Bundle W, tendered 5 October 2022 (emphasis added).
- 50 Exhibit 39 (B3), Case study 2 – summary prepared by the Commission of Inquiry, Tender Bundle W, tendered 5 October 2022. Primary source material provided the Queensland Police Service in response to the Commission Requirement, NTP 2.047, Items 1–2, requested 24 August 2022.
- 51 Exhibit 39 (B7), Case study 3 – summary prepared by the Commission of Inquiry, Tender Bundle W, tendered 5 October 2022. Primary source material provided the Queensland Police Service in response to the Commission Requirement, NTP 2.059, Item 24, requested 12 September 2022.
- 52 Exhibit 39 (B31), Case study 8 – summary prepared by the Commission of Inquiry, Tender Bundle W, tendered 5 October 2022. Primary source material provided the Queensland Police Service in response to the Commission Requirement, NTP 2.057, Items 8, requested 9 September 2022.
- 53 Exhibit 39 (B32), Case study 9 – summary prepared by the Commission of Inquiry, Tender Bundle W, tendered 5 October 2022. Primary source material provided the Queensland Police Service in response to the Commission Requirement, NTP 2.050, Item 4a, requested 31 August 2022.
- 54 Confidential, Commission of Inquiry Submission 464, 2 September 2022 (emphasis added).
- 55 Exhibit 39 (B19), Summary of interviews with affected female officers involved in Case study 3 and email from assessment investigator, Tender Bundle W, tendered 5 October 2022 [p 1] (emphasis added).
- 56 Exhibit 39 (B18) Assessment investigator's requests for contact with complainants following investigation in case study 3, Tender Bundle W, tendered 5 October 2022.
- 57 Exhibit 39 (B7), Case study 3 – summary prepared by the Commission of Inquiry, Tender Bundle W, tendered 5 October 2022 (emphasis added).
- 58 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2130: line 39 – p 2131: line 28].
- 59 Exhibit 39 (B20), Case study 4 – summary prepared by the Commission of Inquiry, Tender Bundle W, tendered 5 October 2022. Primary source material provided the QPS in response to NTP 2.065, Item 2, requested 21 September 2022 (emphasis added).
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- 61 Confidential, Commission of Inquiry Submission 707, 5 October 2022.
- 62 Exhibit 39 (B20), Case study 4 – summary prepared by the Commission of Inquiry, Tender Bundle W, tendered 5 October 2022. Primary source material provided the QPS in response to NTP 2.065, Item 2, requested 21 September 2022.
- 63 Exhibit 37.2, Statement of Commissioner Katarina Carroll, Tender Bundle U, tendered 18 August 2022.
- 64 Confidential, Commission of Inquiry Submission 520, 5 September 2022.
- 65 Confidential, Commission of Inquiry Submission 398, 29 August 2022 (emphasis added).



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67 Exhibit 39 (B21), Queensland Police Service Integrity Framework, December 2020, Tender Bundle W, tendered 5 October 2022.

68 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 228: lines 4–8] (emphasis added).

69 Commissioner's Briefing Note, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.043, Item 6, requested 22 August 2022 [p 1].

70 Juniper Review 2020, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.043, Item 2, requested 22 August 2022 [p 17].

71 Commissioner's Briefing Note, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.043, Item 6, requested 22 August 2022 [p 2].

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74 Australian Institute of Police Management, Commission of Inquiry Submission 509, 5 September 2022.

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77 Transcript of proceedings, Witness A, 13 July 2022, Brisbane [p 277: lines 10–13]. This evidence is subject to an Order for Non-Publication made on 11 July 2022 – see Exhibit A.

78 Transcript of proceedings, Witness A, 13 July 2022, Brisbane [p 281: lines 7–22]. This evidence is subject to an Order for Non-Publication made on 11 July 2022 – see Exhibit A.

79 Transcript of proceedings, Witness A, 13 July 2022, Brisbane [p 291: lines 17–19]. This evidence is subject to an Order for Non-Publication made on 11 July 2022 – see Exhibit A.

80 QPS Body Worn Camera Footage, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.051, Item 26, requested 2 September 2022.

81 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2195: lines 32–35].

82 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2108: line 44 – p 2109: line 6].

83 Confidential, Commission of Inquiry Submission 377, 27 August 2022 (emphasis added).

84 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.061, Item 27, requested 16 September 2022.

85 Confidential, Commission of Inquiry Submission 378, 27 August 2022.

86 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.061, Item 26, requested 16 September 2022.

87 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.061, Item 28, requested 16 September 2022.

88 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.059, Item 27, requested 9 September 2022.

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90 Exhibit 39 (B21), Queensland Police Service Integrity Framework, December 2020, Tender Bundle W, tendered 5 October 2022 [p 6].

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92 Transcript of proceedings, Commissioner Katarina Carroll, 18 August 2022, Brisbane [p 2021: lines 26–27].

93 Transcript of proceedings, Witness A, 13 July 2022, Brisbane [p 283: lines 16–24]. This evidence is subject to an Order for Non-Publication made on 11 July 2022 – see Exhibit A.

94 Confidential, Commission of Inquiry Submission 377, 27 August 2022 (emphasis added).

95 Confidential, Commission of Inquiry Submission 429, 1 September 2022 (emphasis added).

96 Exhibit 27.7, Statement of Rosie O'Malley, Tender Bundle Q, tendered 5 August 2022 [p 7].

97 Exhibit 18.2, Professor Silke Meyer, *Expert Report – Queensland Police Service responses to domestic and family violence* (17 July 2022), Tender Bundle L, tendered 28 July 2022 [pp 6–7] (emphasis added).

98 Exhibit 19.2, Adjunct Professor Heather Nancarrow, *Report – Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence* (Expert Report, 20 July 2022), Tender Bundle M, tendered 29 July 2022 [p 7].

99 Exhibit 19.2, Adjunct Professor Heather Nancarrow, *Report – Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence* (Expert Report, 20 July 2022), Tender Bundle M, tendered 29 July 2022 [p 7].

100 Transcript of proceedings, Mark Ainsworth, 27 July 2022, Brisbane [p 1075: line 12 – p 1076: line 5]; Exhibit 17.1, Mark Ainsworth, *Report into interviews conducted with police officers and civilian officers in relation to the Independent Commission of Inquiry not the Queensland Police Service responses to domestic and family violence* (21 July 2022), Annexure R (Summary of interviews conducted on 7 July 2022), Tender Bundle K, tendered 27 July 2022 [p 18]. This document is subject to an Order for Non-Publication made on 27 July 2022 – see Exhibit C.

101 Confidential, Commission of Inquiry Submission 153, 25 June 2022.

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103 Exhibit 19.2, Adjunct Professor Heather Nancarrow, *Report – Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence* (Expert Report, 20 July 2022), Tender Bundle M, tendered 29 July 2022 [p 6].

104 Transcript of proceedings, Professor Heather Douglas, 28 July 2022, Brisbane [p 1163: line 20–30].

105 Transcript of proceedings, Joanna Mason, 26 July 2022, Brisbane [p 1062: lines 5–43] (emphasis added).

106 Confidential, Commission of Inquiry Submission 328, 22 August 2022 (emphasis added).

107 Victims of Crime Assistance Act 2009 (Qld) Sch 1AA.

108 Transcript of proceedings, Assistant Commissioner Brian Codd, 11 July 2022, Brisbane [p 54: lines 6–9].

109 Exhibit 17.1, Mark Ainsworth, *Report into interviews conducted with police officers and civilian officers in relation to the Independent Commission of Inquiry into the Queensland Police Service responses to domestic and family violence* (21 July 2022), Annexure P (Summary of interviews conducted on 5 July 2022), Tender Bundle K, tendered 27 July 2022 [p 7: para 22]. This document is subject to an Order for Non-Publication made on 27 July 2022 – see Exhibit C.

110 Transcript of Proceedings, Mark Ainsworth, 27 July 2022, Brisbane [p 1075: lines 37–46] (emphasis added).

111 Transcript of Proceedings, Mark Ainsworth, 27 July 2022, Brisbane [p 1075: lines 37–46].

112 Transcript of Proceedings, Mark Ainsworth, 27 July 2022, Brisbane [p 1085: lines 23–26].

113 Transcript of Proceedings, Mark Ainsworth, 27 July 2022, Brisbane [p 1080: lines 43–47].

114 Transcript of Proceedings, Mark Ainsworth, 27 July 2022, Brisbane [p 1081: lines 8–32].

115 Confidential, Commission of Inquiry Submission 380, 29 August 2022 (emphasis added).

116 Exhibit 18.2, Professor Silke Meyer, *Expert Report – Queensland Police Service responses to domestic and family violence* (17 July 2022), Tender Bundle L, tendered 28 July 2022 [p 3] (emphasis added).

117 Transcript of proceedings, Witness A, 13 July 2022, Brisbane [p 287: lines 34–45] (emphasis added). This evidence is subject to an Order for Non-Publication made on 11 July 2022 – see Exhibit A.

118 Transcript of proceedings, Witness A, 13 July 2022, Brisbane [p 278: line 33 – p 279: line 1] (emphasis added). This evidence is subject to an Order for Non-Publication made on 11 July 2022 – see Exhibit A.

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120 Domestic and Family Violence Death Review and Advisory Board, *2020–21 Annual Report* (2021).

121 Exhibit 17.1, Mark Ainsworth, *Report into interviews conducted with police officers and civilian officers in relation to the Independent Commission of Inquiry not the Queensland Police Service responses to domestic and family violence* (21 July 2022), Tender Bundle K, tendered 27 July 2022 [p 18] (emphasis added). This document is subject to an Order for Non-Publication made on 27 July 2022 – see Exhibit C.

122 Exhibit 6.1, Statement of Witness A, Tender Bundle C, tendered 13 July 2022 [p 3: para 14]. This evidence is subject to an Order for Non-Publication made on 11 July 2022 – see Exhibit A.

123 Transcript of proceedings, Assistant Commissioner Brian Codd, 11 July 2022, Brisbane [p 46: line 24 – p 47: line 20].

124 Transcript of proceedings, Professor Heather Douglas, 28 July 2022, Brisbane [p 1167: lines 23–28].

125 *Domestic and Family Violence Protection Act 2012* (Qld).

126 *Domestic and Family Violence Protection Act 2012* (Qld) Preamble; Domestic and Family Violence Death Review and Advisory Board, *2019–20 Annual Report* (2020) [p 48].

127 Transcript of proceedings, Adjunct Professor Heather Nancarrow, 29 July 2022, Brisbane [p 1242: lines 25–32].

128 Exhibit 19.2, Adjunct Professor Heather Nancarrow, *Report – Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence* (20 July 2022), Tender Bundle M, tendered 29 July 2022 [p 2].

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- 131 Australian Brotherhood of Fathers, Commission of Inquiry Submission 160, 27 June 2022.
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- 133 One in Three Campaign, Commission of Inquiry Submission 113, 24 June 2022 [pp 9–10].
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- 137 For example, Brisbane Youth Service, Commission of Inquiry Submission 93, 23 June 2022, Micah Projects, Commission of Inquiry Submission 198, 8 July 2022; Associate Professor Marlene Longbottom, Commission of Inquiry Submission 184, 6 July 2022.
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- 139 Exhibit 19.2, Adjunct Professor Heather Nancarrow, *Report – Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence* (Expert Report, 20 July 2022), Tender Bundle M, tendered 29 July 2022.
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- 143 Anonymous, Commission of Inquiry Submission 414, 30 August 2022 (emphasis added).
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- 145 Confidential, Commission of Inquiry Submission 59, 17 June 2022.
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- 148 The term used by the QPS to describe domestic and family violence perpetrated by either a sworn officer, contractor or a civilian staff member of the QPS.
- 149 Queensland Government Statistician's Office analysis of QPS member involved allegations data, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.002, Item 3, requested on 16 June 2022.
- 150 Exhibit 34.1, Statement of Assistant Commissioner Cheryl Scanlon, Annexure A, Tender Bundle R, tendered 5 August 2022.
- 151 Confidential, Commission of Inquiry Submission 98, 23 June 2022.
- 152 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.017, requested 28 June 2022.
- 153 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.012, requested 20 June 2022.
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- 155 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.055, Item 14, requested 7 September 2022.
- 156 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.029, Item 1, requested 26 July 2022.
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- 159 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement NTP 2.012, requested 20 June 2022; Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.017, requested 28 June 2022; Disciplinary file provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.051, Items 1 and 2, requested 2 September 2022.
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- 161 Queensland Police Union of Employees, Submissions in response to the draft report of the Commission of Inquiry – Part 3, 26 October 2022 [p 3].
- 162 Australian Association of Social Workers, Commission of Inquiry Submission 119, 24 June 2022 [p 3].
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- 166 Transcript of proceedings, Ellie Hanson, 25 July 2022, Brisbane [p 1017: lines 10 – p 105: line 11].
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- 168 Transcript of proceedings, Ellie Hanson, 25 July 2022, Brisbane [p 1019: lines 33–42].
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- 170 Alexandra Utting, 'Queensland Police Service to make historic apology to LGBTQ+ community', ABC Gold Coast (online, 23 September 2022) <<https://www.abc.net.au/news/2022-09-23/queensland-police-apology-lgbtq-community/101467062>>.
- 171 Transcript of proceedings, Ben Bjarnesen, 25 July 2022, Brisbane [p 1010: lines 29–42].
- 172 Transcript of proceedings, Ben Bjarnesen, 25 July 2022, Brisbane [p 1008: lines 42–45] (emphasis added).
- 173 Transcript of proceedings, Ben Bjarnesen, 25 July 2022, Brisbane [p 1007: lines 24–45].
- 174 Transcript of proceedings, Ben Bjarnesen, 25 July 2022, Brisbane [p 1011: lines 47 – p 1012: 9].
- 175 When comparing 2012 with 2021, the rate of domestic and family violence victims aged 65–79 grew 209.4% (from 201 to 621 per 100,000 persons) and the rate of victim 80+ years grew 214.7% (from 80 to 251 per 100,000 persons). Statistical data obtained for the period 1 January 2012 to 31 December 2021, provided by the Department of Justice and Attorney General in response to the Commission Requirement, NTP 1.002, requested 9 June 2022.
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- 177 Caxton Legal Centre, Commission of Inquiry Submission 136, 24 June 2022 [p 16: para 57].
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- 179 Aged Disability Advocacy Australia, Commission of Inquiry Submission 125, 24 June 2022.
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- 184 Transcript of proceedings, Cybele Koning, 25 July 2022, Brisbane [p 991: lines 21 – 31].
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244 Exhibit 6, Statement of James Treanor, Tender Bundle C, tendered 13 July 2022 [p 2: para 5].

245 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 71].

246 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 71].

247 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 71].

248 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 71] (emphasis added).

249 Confidential, Commission of Inquiry Submission 434, 1 September 2022.

250 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 6].

251 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 7].

252 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 72].

253 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 83] (emphasis added).

254 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 86].

255 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 86].

256 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 86] (emphasis added).

257 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 87].

258 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 87].

259 Transcript of Proceedings, Mark Ainsworth, 27 July 2022, Brisbane [p 1084: line 46 – p 19: line 1] (emphasis added).

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261 Exhibit 18.2, Professor Silke Meyer, *Expert Report – Queensland Police Service responses to domestic and family violence* (17 July 2022), Tender Bundle L, tendered 28 July 2022 [p 7].

262 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 74].

263 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 74].

264 Transcript of Proceedings, Mark Ainsworth, 27 July 2022, Brisbane [p 1081: lines 44 – 47].

265 Transcript of Proceedings, Mark Ainsworth, 27 July 2022, Brisbane [p 1084: lines 12 – 15].

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- 271 Exhibit 17.1 Mark Ainsworth, *Report into interviews conducted with police officers and civilian officers in relation to the Independent Commission of Inquiry into the Queensland Police Service responses to domestic and family violence* (21 July 2022), Annexure P (Summary of interviews conducted on 5 July 2022), tendered 27 July 2022 [p 3]. This document is subject to an Order for Non-Publication made on 27 July 2022 – see Exhibit C.
- 272 Exhibit 17.1 Mark Ainsworth, *Report into interviews conducted with police officers and civilian officers in relation to the Independent Commission of Inquiry into the Queensland Police Service responses to domestic and family violence* (21 July 2022), Annexure Q (Summary of interviews conducted on 6 July 2022), tendered 27 July 2022. This document is subject to an Order for Non-Publication made on 27 July 2022 – see Exhibit C.
- 273 Confidential, Commission of Inquiry Submission 214, 14 July 2022 [para 2.8] (emphasis added).
- 274 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 83].
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- 276 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 84].
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- 278 Transcript of Proceedings, Brett Jackson, 5 August 2022, Brisbane [p 1646: lines 5–8].
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- 280 Transcript of Proceedings, Brett Jackson, 5 August 2022, Brisbane [p 1647: lines 1–12].
- 281 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 84].
- 282 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 79].
- 283 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 81] (emphasis added).
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- 285 Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 83] (emphasis added).
- 286 Transcript of Proceedings, Mark Ainsworth, 27 July 2022, Brisbane [p 1076: lines 28–46].
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- 288 Transcript of Proceedings, Mark Ainsworth, 27 July 2022, Brisbane [p 1078: lines 34–47].
- 289 Transcript of Proceedings, Mark Ainsworth, 27 July 2022, Brisbane [p 1079: lines 15–21].
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- 291 Transcript of Proceedings, Mark Ainsworth, 27 July 2022, Brisbane [p 1076: lines 1–7].
- 292 Exhibit 19.3, Dr Jacqueline Drew, *Expert report on police mental health and wellbeing* (22 July 2022), Tender Bundle M, tendered 29 July 2022 [p 13: paras 10.1–10.3].
- 293 Exhibit 18.2, Professor Silke Meyer, *Expert Report – Queensland Police Service responses to domestic and family violence* (17 July 2022), Tender Bundle L, tendered 28 July 2022 [p 2: para 1.1].
- 294 Transcript of proceedings, Dr Jacqueline Drew, 29 July 2022, Brisbane [p 1249: lines 37–38].
- 295 Transcript of proceedings, Dr Jacqueline Drew, 29 July 2022, Brisbane [p 1250: lines 19–35].
- 296 Transcript of Proceedings, Professor Andrea Phelps, 29 July 2022, Brisbane [p 1280: lines 32–47].
- 297 Transcript of Proceedings, Professor Andrea Phelps, 29 July 2022, Brisbane [p 1281: lines 12–36].
- 298 Transcript of proceedings, Dr Jacqueline Drew, 29 July 2022, Brisbane [p 1250: line 37 – p 42: line 8].
- 299 Transcript of proceedings, Dr Jacqueline Drew, 29 July 2022, Brisbane [p 1254: lines 12–39].
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- 301 Neil Greenfield, *Queensland Police Service Strategic Review* (Final Report, 6 December 2019) [p 77].
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- 307 Neil Greenfield, *Queensland Police Service Strategic Review* (Final Report, 6 December 2019) [p 79].
- 308 Injury Management Review Report, November 2020, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.056, Item 4, requested 8 September 2022 [p 3].
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- 310 Injury Management Review Report, November 2020, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.056, Item 4, requested 8 September 2022 [Recommendation 6].
- 311 Queensland Police Service Organisational Review of the Safety, Wellbeing and Central Panels Division, 12 September 2022, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.057, Item 20, requested 9 September 2022 [p 74].
- 312 Queensland Police Service Organisational Review of the Safety, Wellbeing and Central Panels Division, 12 September 2022, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.057, Item 20, requested 9 September 2022 [p 97].
- 313 Transcript of proceedings, Dr Jacqueline Drew, 29 July 2022, Brisbane [p 1253: line 35 – p 1254: line 47].
- 314 Transcript of proceedings, Dr Jacqueline Drew, 29 July 2022, Brisbane [p 1255: line 13 – p 47: line 19].
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## **PART 4**

# **A FIRST NATIONS FOCUS ON CHANGE**



This Commission has been tasked with considering how any cultural issues within the Queensland Police Service (QPS) relating to the investigation of domestic and family violence have contributed to the overrepresentation of First Nations peoples in the criminal justice system.

In examining this issue, the Commission sought to explore the historic relationship between the police and First Nations peoples and how that impacts on the relationship today. It also sought to understand how cultural issues in the QPS such as sexism, misogyny and racism can affect the way the QPS responds to domestic and family violence.

However, the issue of overrepresentation of First Nations peoples in the criminal justice system stems from a broader combination of factors than can be considered in detail by this Commission. Colonisation, dispossession, generational trauma and systemic racism are but a few of the factors that have led to this tragic situation. This Commission has not been asked to examine these broader issues and the time given to the Commission would not allow it to do so in any depth. However, the Commission remains conscious of these factors when considering the interplay between the attitudes and beliefs of the police and the policing of First Nations peoples.

The Commission has consulted as widely as possible on this issue in the time available. From those consultations, it is clear that:

- nothing can change without meaningful engagement with First Nations peoples and communities
- police at all levels of the QPS need to be properly educated, by First Nations people, on the history of First Nations peoples in this country, and the role of the police in the violence and oppression inflicted on them
- cultural knowledge is paramount.

The Commission has found cultural issues within the QPS that contribute to the overrepresentation of First Nations peoples in the criminal justice system and has made recommendations to address these issues, however, the real change to the cultural issues will be made when the QPS engages fully and meaningfully with First Nations communities across Queensland.

The QPS has made a step towards meaningful consultation with the formation of the First Nations Reference Group. It is vital that the QPS walk alongside this group to map a way forward. This step needs to be the first of many in the spirit of a commitment to healing and collaboration in the future.

# 11 Impacts of colonisation

Part 3 of the Report considered the cultural issues of sexism, misogyny and negative attitudes towards domestic and family violence in the QPS identified by the Commission in the course of its Inquiry. This chapter considers the historical and continuing effects of colonialism and colonisation on the relationship between police and First Nations peoples, and the failure of the QPS leadership to provide its members with adequate training on these critical issues.

Queensland's First Nations peoples are significantly over-represented in the criminal justice system.<sup>1</sup> While First Nations peoples represent about 3.8% of the Queensland population (aged 10 and over), they account for 33% of the prison population.<sup>2</sup>

The issue of overrepresentation is not unique to Queensland, or Australia. Despite differences in culture, history, economy, political relations and power, the overrepresentation of First Nations peoples in criminal justice systems as both victims and offenders is a common characteristic of settler-colonised countries and is documented in New Zealand, the United States of America and Canada.<sup>3</sup>

Extensive consideration has been given to this issue locally, nationally and internationally. Overrepresentation of First Nations peoples within criminal justice systems has consistently been found to be associated with over-policing, systemic racism and compounding systemic inequalities for First Nations peoples and communities.<sup>4</sup> Appendix I outlines a summary of reports and reviews that consider this research in more detail.

The foundation of any analysis of the way cultural and structural issues in the QPS have contributed to overrepresentation of First Nations peoples in the criminal justice system must first acknowledge the historical and continuing effects of colonisation and colonialism on the relationship between police and First Nations peoples in this state. As the Institute of Collaborative Race Research stated:

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**The violent structure of colonialism shapes contemporary interactions between police and First Nations community all over Australia.<sup>5</sup>**

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In August 2022, the Queensland Government announced the Truth Telling and Healing Inquiry.<sup>6</sup> That Inquiry will provide an opportunity for the QPS to participate openly and constructively in what will be the telling of the traumatic and challenging history of Queensland.

## A NOTE ON COLONIALISM AND COLONISATION

Colonialism and colonisation are interlinked, and their impacts in Australia are mostly indistinguishable. The terms can be, and are, used interchangeably to reflect the control and violence inflicted on First Nations peoples and communities in colonised countries, and the justification for that violence and dispossession.<sup>7</sup> Generally, colonialism is the ideology that drives colonisation.<sup>8</sup> Colonialism assumes that the origin country is superior, giving them the right to take over land in another country or region, occupy it with settlers and exploit the area for their own benefit.<sup>9</sup>

Colonisation is the action of settling among, and establishing power and control over, the lands and First Nations peoples of an area.<sup>10</sup> Under colonisation, local people are subjected to the customs, language and religions of the colonising country, but also disconnected from their own cultural practices in ways that are violent and dehumanising through massacres, physical violence, separation from family and kinship groups and enslavement.<sup>11</sup>

## THE COMMISSION'S WORK

The Commission was tasked to consider how any cultural issues it had identified within the QPS relating to the investigation of domestic and family violence contribute to the overrepresentation of First Nations peoples within the criminal justice system.

As discussed elsewhere in the Report, the relevant cultural issues identified by the Commission include:

- a lack of effective leadership
- sexism, misogyny and racism
- negative attitudes towards domestic and family violence
- burnout and fatigue.

The Commission undertook broad consultation about the impact of these cultural issues on First Nations peoples and communities. This added to the information already gathered by the Commission as part of its open call for submissions, surveys of victim-survivors and police, the issuing of notices to produce documents and public hearings. It included:

- writing to Aboriginal and Torres Strait Islander Councils to raise awareness of the Commission's work and inviting submissions by phone, in writing or by other means
- undertaking a comprehensive review of relevant and contemporary literature
- taking meaningful steps to engage with experts who work with First Nations peoples and communities
- obtaining data from the QPS, Queensland Courts and Queensland Corrective Services.

The Commission met with:

- community Elders and leaders
- Mayors and CEOs of Aboriginal and Torres Strait Islander councils
- police officers and Police Liaison Officers who identify as First Nations peoples
- members of the QPS First Nations and Multicultural Affairs Unit

- members of the QPS First Nations Reference Group
- academics with expertise in First Nations justice issues, including academics who identify as First Nations peoples
- representatives of Aboriginal and Torres Strait Islander community-controlled organisations, Community Justice Groups and community engagement groups, the judiciary and government agencies, including the First Nations Justice Office.

Further detail about meetings conducted by the Commission can be found at Appendix E.

The Commission also heard from witnesses at public hearings held in Brisbane, Cairns, Townsville and Mount Isa, focusing on:

- the experiences of community, legal and specialist services with QPS investigations of domestic and family violence and interactions with QPS officers, particularly where they involved First Nations peoples
- the observations and experiences of QPS officers and staff in rural and remote communities, including QPS members who identify as First Nations
- cultural issues within the QPS, particularly racism, which may contribute to the overrepresentation of First Nations peoples in the criminal justice system
- the capacity and capability of the QPS to respond to domestic and family violence as it relates to First Nations peoples
- the role of the QPS First Nations and Multicultural Affairs Unit, and the recruitment and retention of First Nations officers
- the ways race, racism, colonialism and cultural sovereignty intersect in the areas of justice and policy
- integrated service responses to domestic and family violence, particularly from experts in Aboriginal and Torres Strait Islander community-controlled organisations.

Further detail about witnesses called by the Commission can be found at Appendix D.



## CONTINUING HISTORY

Queensland's colonial history and the associated violence inflicted upon First Nations peoples, communities and culture, continues to have a profound contemporary impact. An appreciation of colonisation and its impact is essential to meaningfully understand the contemporary challenges for First Nations peoples, as well as to avoid contributing to the associated discrimination and disadvantage. This is particularly important for those in frontline positions of support and authority such as police, health, child safety and other government services.

Of the enduring impacts of colonisation, the Institute for Collaborative Race Research told the Commission:

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**In settler colonisation, a majority of colonisers come to stay in a place, to replace Indigenous people on their land and to establish a new political society on that land. Most settler colonies have not been decolonised, and there has not been a moment of institutional break or reformation. Therefore, we can meaningfully say that settler colonisation is an ongoing relationship, where questions of jurisdiction, land ownership and resource control are very much live and unresolved.<sup>12</sup>**

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As Superintendent Kerry Johnson of the QPS First Nations Multicultural Affairs Unit expressed at a hearing on 19 July 2022:

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**It wasn't that long ago in our 160-odd year history we were part of the White Australia policy.<sup>13</sup>**

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The Queensland Native Police, established in 1864,<sup>14</sup> was a precursor to the QPS and tasked with dispersing First Nations peoples and suppressing resistance to settlers.<sup>15</sup> Similar units were established across Australia, but Queensland's is regarded as the most violent.<sup>16</sup> It was commonly understood that 'to disperse' meant to shoot and/or kill.<sup>17</sup>

Estimates indicate that across the forty-year lifespan of the Queensland Native Police, it was responsible for the deaths of 40,000 First Nations men, women, and children.<sup>18</sup>

Oppressive laws and regimes were also introduced in Queensland which:

- restricted where First Nations peoples and families could live and travel, and who they could marry
- forced First Nations peoples from Country and on to reserves and missions
- limited or stopped rights to employment and wages and self-determination
- prohibited the practise of culture, cultural lore, and use of traditional languages
- violently removed children from their families and Country, resulting in the Stolen Generations and the marginalisation and destruction of First Nations social structures.<sup>19</sup>

Police were at the forefront of enforcing these laws and policies. Queensland's policies and other civil restrictions on First Nations peoples remained until the late 1970s and 1980s and continue to impact how First Nations peoples are treated by and interact with police and government services today.<sup>20</sup>

The Commission heard that families are still impacted by their lived experiences of police violence, of failures by police to protect, and of life under oppressive regimes. Ms Andrea Kyle Sailor, Community Development Worker with the Aboriginal and Torres Strait Islander Women's Legal Service North Queensland based on Palm Island, explained to the Commission:

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**In 1930 on Palm Island we had – the superintendent [a police officer], he went crazy and shot the doctor and the doctor's wife and family. So, one of our local [First Nations] members of the community was instructed by the police at the time to shoot Curry [the superintendent], which he did, and he was then sent to prison for what he had done. So, there's that mistrust and negative attitudes towards police from 1930. Everybody's aware of the 2004 riots as well which has certainly not amended police relations on Palm Island. And in 2022 the relations are no better than they were in 1930.<sup>21</sup>**

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Elder Aunty Florence Onus, Community Development Worker with the Aboriginal and Torres Strait Islander Women's Legal Service North Queensland, also told the Commission about the strength of living memory:

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**We only became citizens in 1967. So – I mean I was only eight or nine years old at that time. So, you know, the history is very fresh and the fear – so the fear of police has been something that's historical from the first contact to where we are today. So, it's engrained in families and communities.<sup>22</sup>**

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The impact of these experiences and practices is ongoing and causes intergenerational trauma. Elder Aunty Florence Onus told the Commission:

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**I've got four daughters; we were doing a letterbox delivery- they did it to make money for themselves and I would drive them up and down. We were in a cul-de-sac, and I'd pull up and they'd jump out and go down... and my youngest daughter, who was about five at the time, came running up the street, tearing down the street, eyes bulging out and fear written... I was looking for a dog chasing her. She jumps in the car, she's really upset, and I said, you go 'what's the matter' and she said 'there's a police car there'. I was really quite shocked because our kids are privy to the trauma stories that are happening within family and community, and you don't realise that they're listening and**

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the impact that has upon them. She was running in total fear [at] just the sight of a police car... It's that ingrained fear that's been handed down from generation to generation.<sup>23</sup>

Superintendent Johnson also spoke of the recency of this history and how it continues to impact relationships between police and First Nations peoples and communities. He said:

The young constables out there would sort of question us why – “why do the kids not like us,” “why are they throwing rocks at the car,” or “why do they swear at us,” ... and you take the time to explain that intergenerational trauma. So it's not necessarily the kids – if you asked “Why are you doing that?” they won't know. They just do it. But if you talk to some of the Elders there, like [redacted] and so on, he remembers – he's 84 or 86 now, but [he] was a young boy when he used to see the cattle trucks come in with the Aboriginal kids being taken away. So that trauma is still there by living people. It's not that ancient in history, and it's still passed on through the families.<sup>24</sup>

Evidence provided to the Commission shows that the intergenerational distrust and fear of police experienced by First Nations peoples is compounded by contemporary, repeated and ongoing experiences of negative interactions with police. Sergeant Matthew Costelloe told the Commission:

Historically, the relationship between the police and the community in Cunnamulla has not always been great, particularly with members of the First Nations community. In my experience, some First Nations community members have a level of distrust of police including and because of historical events of early colonial days as well as more recent events... There have also been more recent incidents that created poor relationships such as the Cunnamulla Riot on 1 January 2017. There was for example an incident of an off-duty police officer getting into a fight with a First Nations community member.

More recently (in around December 2021) a video was released of a plain clothes police officer threatening to assault a First Nations male if he did not surrender to the police station which was filmed and released.

During my time here and working closely with our First Nations community I have found that the historical sentiment was one of distrust due to the events historical and recent as discussed above. There is also still a high level of distrust due to the belief in the [First Nations] community that the

police do not integrate with the community, that ‘they’re just blow ins’, and that they do not let the community see them as people.<sup>25</sup>

The significant consequences for First Nations peoples that can stem from this intergenerational distrust and fear are demonstrated in the following case study from the Domestic and Family Violence Death Review and Advisory Board, which shows the profound, continuing impact colonisation and the Stolen Generations have on families today:

## CASE STUDY: KEIRA'S EXPERIENCE

Keira was a 31-year old Kamilaroi woman. Her partner of one year, Warren, was charged with her murder and several associated offences after she was found dead at her home in South-East Queensland. The police attended an incident of domestic and family violence involving Keira and Warren eleven months prior to her murder but took no action. Officers based their assessment on the fact that Keira was not obviously fearful and that both parties were “*as bad as each other*”.

The police attended the address on multiple occasions over the next eleven months, however there was no answer at the door at each attendance. Despite not speaking with the couple on these occasions, the attendances were recorded as “*always a verbal*” in which the couple would “*eventually calm down*”. On one occasion police attended, speaking only with the neighbour who said the yelling had stopped. This incident was recorded as ‘No DV’ with an explanation “*Persons involved are known to police and is nothing more than a verbal argument, both persons have loud voices and use ‘colourful language’ when arguing.*”

A month later, and one month prior to her death, Keira and Warren were at a job search office and Keira passed a note to the staff asking them to call the police. When officers attended, Keira's partner said there had been no altercation. Keira told the police that she wanted to go to her Aunt's and wanted Warren to give back keys to her place. She told them she was scared Warren would get angry if she told him that. Police recorded this as ‘DV – no offence’.

The Board found that in the five months prior to her death Keira had connected with a number of services regarding domestic violence support. Keira was assessed as high risk due to her fear, pending separation, her partner's use of physical violence including non-lethal strangulation, threats to kill, stalking, and verbal abuse. Keira stated to one agency that she felt strongly about not wanting the police involved in her case, disclosing that her grandparents and her partner's grandparents were part of the Stolen Generations, and she did not want the involvement of police to bring shame to her family.<sup>26</sup>

Elder Aunty Florence Onus told the Commission that it was critical that police understood the historical relationships between First Nations peoples and communities and police.<sup>27</sup> She said:

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**If you look at the history of relationship between First Nations and the police, it goes way back in the early days of invasion and the establishment of Aboriginal reserves and missions, which I regard as detention centres because the lives of our people were comprehensively controlled, and normally the manager of those institutions, such as Palm Island – [...] the manager, or the protector, which was the title of that time, were the superintendent of police.<sup>28</sup>**

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## THE NEED FOR CULTURAL CAPABILITY

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Historical distrust and fear are exacerbated when police do not have or do not demonstrate cultural capability.

Cultural capability in this context refers to the skills, knowledge, behaviours and systems that are required for police officers to plan, support, improve and deliver services for First Nations peoples and communities in a manner that is culturally respectful and appropriate.

Elder Aunty Onus told the Commission that police lack an understanding of the fear that First Nations peoples and communities have of police. She said that this stems from a lack of education about the historical relationship and the continuing effects:

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**...probably because they haven't had the education on it, you know, through the training. So that's the sort of training that we provided in the past, to have a look at the historical relationships between the police and First Nations people, because I think it's really important that young recruits that are coming in, they have that education and understanding of that, and that's why the relationships between First Nations and the police have always been fraught.<sup>29</sup>**

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The QPS has not provided its staff with appropriate cultural capability training about colonisation and the impacts of the historical and contemporary relationships between First Nations communities and police.

A QPS Baseline First Nations Cultural Awareness Survey conducted by the First Nations and Multicultural Affairs Unit in 2021 found that most QPS members had not received training about historical relationships between First Nations communities and the police or contemporary social issues. The report outlined that this training was necessary and should be provided by an appropriate external provider to enhance QPS members' knowledge of First Nations peoples' history, practices and cultural protocols.<sup>30</sup>

When the Commission commenced its work in June 2022, cultural capability training had either ceased, been reduced to an in-house session or been modified into an online learning product.<sup>31</sup> A number of the relatively new QPS officers who gave evidence before the Commission had limited recollection of the cultural training they had received, if any.<sup>32</sup>

Training about the historical relationship between the police and First Nations peoples must be designed, delivered and evaluated by First Nations peoples. Elder Aunty Florence Onus told the Commission of her previous experience with providing external cultural capability training to police recruits. She said:

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**I think when they first established the academy here in Townsville I was working at James Cook University as a lecturer, and we delivered to the new recruits every year cultural awareness training, where they would come out to the university, all the new recruits, and we delivered that for about I think five years, the Indigenous unit.**

**I was part of the Indigenous unit, and then QPS decided they were going to deliver that inhouse, which has happened since then. So this is going back quite a while now. I can't remember. Maybe 15 years ago. But I was really concerned and so was the school at the time that we weren't privy to the actual program that was being delivered to the QPS because, you know, as an Indigenous unit we really delivered a lot of the historical context and relationship between Aboriginal and Torres Strait Islander people and the police going back to the early days of invasion or settlement to where we are today.<sup>33</sup>**

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The Commission also heard that online learning in isolation is not appropriate for ensuring new recruits and existing officers are working in culturally intelligent and culturally safe ways.

Cultural intelligence in this context refers to the skills, capability and knowledge police require to work effectively in, and adapt sensitively to, situations involving First Nations peoples and communities. Working in a culturally safe way describes a way of working which aims to create an environment that acknowledges and incorporates cultural practices which are important to First Nations peoples and communities. Superintendent Johnson said:

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**It's not something you should learn on a computer screen. That can prepare you for – because it's very different to, you know, major centre living and so on, and the reality is, the number of the staff that we employ, recruits that go through may never have stood in a discrete community or had anything other than a pass in the street of a First Nations person. So it's absolutely imperative. It's absolutely necessary.<sup>34</sup>**

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At the commencement of the Commission in June 2022, the cultural capability training offered by the QPS largely consisted of an online SBS inclusion package.<sup>35</sup> At a public hearing on 12 July 2022, Assistant Commissioner Mark Kelly of the QPS People Capability Command gave evidence that a new, two-day cultural capability training program was then being planned for recruit training at the Academy.<sup>36</sup> Assistant Commissioner Kelly told the Commission that the QPS would consult with relevant organisations to co-design and co-deliver the training in order to best cover the relevant topics, including First Nations history and culture.<sup>37</sup> While this new training is only in a planning and development stage, it is a positive step by the People Capability Command and should continue to be supported within the QPS.

The Commission recognises that cultural capability training which is co-designed and co-delivered by First Nations peoples is critically important. The Commission makes recommendations at the end of this chapter that the cultural capability training provided by the QPS to recruits and serving members should be strengthened. This will include the establishment of a First Nations panel incorporating representative community members to assess the training and provide advice to the People Capability Command.

However, training is only one part of the change required within the QPS. A change of attitude in some officers is also necessary. Feedback in the QPS Baseline First Nations Cultural Awareness Survey indicates some officers may be reluctant to engage with this type of training. This reluctance was exhibited in survey responses which said:

The ongoing of this being shoved down our throats. There was a public apology. Do not guilt this generation about what happened prior to me being alive.<sup>38</sup>

Obviously, the fact that they are overrepresented in jail and more likely to have a criminal record is not police fault, but this constant contact can lead to officers becoming racist.<sup>39</sup>

## CONTEMPORARY IMPACTS OF DISTRUST AND FEAR OF POLICE

The distrust and fear of police can influence how and when First Nations peoples make a report of domestic and family violence to police, and what they choose to disclose.

Research suggests that due to a lack of cultural safety, police are not always perceived as a safe avenue of assistance for First Nations victim-survivors. This is exacerbated by a range of factors including mistrust of police, fear of child removal and child safety intervention, fear of death in custody risks for the perpetrator and other systemic barriers (Figure 26).<sup>40</sup>

This means that by the time First Nations victim-survivors do seek protection from police, it is highly likely they have experienced abuse for an extended period of time and the violence has escalated significantly.<sup>41</sup>



Figure 26: Additional barriers to help-seeking faced by First Nations victim-survivors

The following case study from the Domestic and Family Violence Death Review Unit in the Coroners Court of Queensland demonstrates the contemporary impacts of First Nations peoples distrust and fear of police even when facing extreme risks from domestic and family violence:

## CASE STUDY: FIONA'S EXPERIENCE

Fiona, a 47 year old First Nations woman, had been in a relationship with Richard, 45 years old, for approximately six months. They did not live together. Their case was reviewed by the Queensland Domestic Violence Death Review Unit in the Coroners Court of Queensland following Fiona's death from self-inflicted injuries. Police had attended two previous calls for service, both made by Fiona's neighbours in the three months prior to her death.

On the first occasion, Fiona was heard screaming. When the police attended, Fiona and Richard said they'd had an argument and that Fiona had thrown her handbag to the ground in frustration. Police offered referrals to support services which were refused by both Fiona and Richard. There is no indication that police questioned Richard or Fiona separately or asked what the argument had been about. Police records also indicate Fiona had been subjected to numerous 'street checks' by police in the lead up to her death.

The second call for service, two weeks prior to her death, was made by Fiona's landlord who called the police and told them that Fiona had been strangled. Police arrived as Fiona was being taken to hospital in an ambulance. Fiona refused to speak with police, but they noted dark bruises on her face and legs, and redness around her neck. Fiona's landlord told police that she had observed physical injuries on Fiona the week before, she believed Fiona was being assaulted and that the violence was escalating.

Police made an application for a Protection Order against Richard including extensive conditions, but there is no record they followed up with Fiona again or undertook a risk assessment. Fiona told the hospital staff that she did not want to go home in case Richard was there. The hospital referred her to DVConnect and she disclosed that Richard had physically assaulted her almost every day including four events of non-fatal strangulation.

On the day of her death, Fiona went to Richard's home. Five hours later, neighbours heard yelling and went to investigate. Fiona asked them to call the police. She was bleeding and reported that Richard had thrown hot water on her and punched her in the face. The neighbours phoned Richard's mother instead who told them not to call the

police but to remind Fiona of the Protection Order conditions. When the neighbours went over, they found Fiona with self-inflicted injuries and she was taken to hospital.

In addition, multiple bruises and marks were found on Fiona's body, and her mother told police she had concerns about Richard's violence. Fiona died from her injuries five days later.<sup>42</sup>

## RESISTIVE VIOLENCE

Research undertaken by Professor Heather Douglas and Associate Professor Robin Fitzgerald has also found that reduced access to culturally safe services or responses, including those by police, may leave First Nations women to resort to the use of resistive violence to keep themselves and their children as safe as possible from the perpetrator of the violence.<sup>43</sup>

This is also confirmed by other studies that show that First Nations women may use resistive violence in an attempt to preserve their own life and safety, but also to avoid exposing their partner to the risks of being a First Nations man in custody. In a 2020 research report, Australia's National Research Organisation for Women's Safety recognised that:

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**Another oft-cited reason is the fear among many victims that by reporting perpetrators to the police they will place them at risk of being incarcerated, thereby contributing to the extremely high Aboriginal incarceration rates and placing them at risk of dying in custody.<sup>44</sup>**

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Resistive violence builds upon the established concept of 'self-defence', or the right to physically defend yourself with reasonable force provided that the force is authorised, justified, or excused by law.<sup>45</sup>

Resistive violence can be misinterpreted when actions are considered in isolation from the underlying pattern of control within the relationship. For example, victim-survivors who respond to the abuse they are experiencing with resistive violence may:

- use violence to protect themselves or others (most commonly children) and this may not always occur during an abusive episode where there is an immediate risk of harm (although the risk of harm in the relationship may be high or escalating)
- use violence to pre-empt an abusive episode so they can better manage when and where it occurs
- be more likely to use weapons due to the (generally speaking) inherent size differences between men and women.



## LIMITED OPTIONS FOR CULTURALLY SAFE REPORTING

The Commission heard evidence about the lack of cultural safety afforded to First Nations peoples when reporting their experiences of violence in a police station, and how this acts as a barrier to accessing safety.

Ms Kyle Sailor told the Commission that police stations are quite intimidating and cold and that some women she has worked with are reluctant to attend to make a report.<sup>46</sup> She provided an example of a relatively common experience of taking a young woman to the front counter of the station to make a report, where the officer behind the counter stood with folded arms and asked, “*what’s the problem now?*”<sup>47</sup> The young woman had been hesitant to make a complaint at all, due to fear of police, and immediately felt she was not going to be believed and that her complaint was not important.

Sergeant Costelloe also acknowledged the challenges for First Nations peoples expected to attend police stations. He said:

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**The victims of the crime may not want to come down to the police station or been [sic] seen to be reporting with police. So, for us to physically take the victims down to the police station and take a statement and stuff, that can obviously cause a little bit of harm and detriment to the victim of the thing as well to be seen to be cooperating with the police. So that’s definitely another challenge.**<sup>48</sup>

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Associate Professor Marlene Longbottom, School of Medicine, Indigenous, Allied Health at the University of Wollongong, told the Commission her research had found that a barrier to reporting for First Nations women is that a police station is not a welcoming or culturally safe and supportive place.<sup>49</sup> She told the Commission:

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**Clearly police stations are not the optimal site where disclosures can be made. They are often not culturally inviting and in most circumstances are unsafe for [Indigenous] women, children, and gender diverse people to attend. Police stations do not provide for culturally safe storying to the point of there being limited confidential exits or entrances. Moreover, there are limited safe environments for children if they attend with their parent or carer.**<sup>50</sup>

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Associate Professor Longbottom further explained that there needs to be an alternative option for First Nations women to report violence outside of a police station due to their fears, or past experiences, of sexism and racism and how these intersect to compound discrimination.<sup>51</sup> She said:

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**A police station is not culturally safe. If you have been in a police station, it’s not very welcoming. It’s very cold and very sterile. The places that are usually provided for in the community are community organisations that actually take them to sit down and talk to people and understand their story.**<sup>52</sup>

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The Commission agrees and makes a recommendation to this effect at the end of this chapter. It should be noted that an agreement for an alternative space to interview witnesses does not need to be costly or overly formal, and can be, for example, an arrangement between the QPS and a local council for the use of a room within the council building when the need arises.

## FINDINGS

- Queensland's colonial history and the associated violence inflicted upon First Nations peoples, communities and culture, continues to have a profound contemporary impact on First Nations peoples and their relationships with the police.
- The intergenerational distrust and fear of police that is experienced by First Nations peoples is compounded by contemporary experiences of negative interactions with police. Historical distrust and fear of police is further exacerbated when police do not have cultural capability or cultural intelligence.
- An appreciation of colonisation and its impact is essential to meaningfully understand the contemporary challenges created for First Nations peoples, as well as to avoid contributing to the associated discrimination and disadvantage.
- The Queensland Police Service has not sufficiently prioritised developing cultural capability within the organisation with a recent survey showing that Queensland Police Service members lack the foundational knowledge to understand the impacts of colonisation, racism and other historical and contemporary issues that shape how First Nations peoples view police.
- Inherent distrust and fear of police means that First Nations peoples face additional barriers to reporting domestic and family violence to the Queensland Police Service.
- First Nations victim-survivors may also be more likely to use resistive violence to protect themselves when they do not feel that it is culturally safe to make a report to police.
- There are limited alternative options available to make a report outside of a police station for First Nations victim-survivors. Police Stations are not always culturally safe places to seek assistance or safety.

## RECOMMENDATIONS

### **Recommendation 41**

Within 12 months, the Queensland Police Service strengthen its cultural capability training by introducing Academy and ongoing training which is:

- co-designed in consultation with First Nations peoples and communities
- co-delivered by First Nations peoples and communities.

### **Recommendation 42**

Within 12 months, the Queensland Police Service establish a First Nations panel incorporating representative community members to assess and advise on its cultural capability training and report to the Assistant Commissioner, People Capability Command.

### **Recommendation 43**

Within 12 months, the Queensland Police Service consult with First Nations peoples and communities in every police district to obtain permission to use an alternative space to interview witnesses.

## **HUMAN RIGHTS CONSIDERATIONS**

Developing and improving the cultural capability of the QPS through consultation, training and stronger relationships with First Nations peoples and communities will help police address the unique barriers and challenges First Nations peoples encounter when interacting with, and seeking assistance from, police.

Improved cultural capability will also promote the human rights of victim-survivors and First Nations peoples and lead to improved relationships between the QPS and First Nations peoples. More broadly, improving the way that the QPS engages with First Nations peoples and communities will elevate a number of human rights, including cultural rights generally (s27 HRA), cultural rights of First Nations peoples (s28 HRA) and the rights of recognition and equality (s15 HRA).

# 12 Understanding overrepresentation

This chapter provides an overview of current data to demonstrate the overrepresentation of First Nations peoples in both the civil domestic and family violence protection system and the criminal justice system (where contraventions of Protection Orders and domestic and family violence related offences are dealt with).

Over the course of its Inquiry, the Commission obtained multiple datasets relating to police responses to domestic and family violence which included:

- Queensland Police Service (QPS) QPS QPRIME occurrence data for all police activity relating to domestic and family violence over a 10 year period<sup>53</sup>
- Queensland Courts data relating to Protection Order applications, hearings, contraventions, and offences over a 10 year period<sup>54</sup>
- Queensland Corrective Services data on prisoner populations over a five-year period.<sup>55</sup>

These datasets were analysed with the assistance of the Queensland Government Statistician's Office and a statistician seconded to the Commission.

This data reflects actions taken by the QPS, and the criminal justice system more generally, in response to First Nations peoples who experience domestic and family violence, but does not capture the full narrative of First Nations peoples' experiences of domestic and family violence. It does not provide any reliable indication of the number of First Nations peoples in Queensland who have, or are, experiencing or perpetrating domestic and family violence. Nor is it necessarily reflective of the patterns of perpetration or victimisation within a relationship. The true rates of violence against First Nations peoples are difficult to establish due to:

- underreporting
- a lack of accurate recording of status by police and other service providers
- variations in police responses to reports of domestic and family violence
- misidentification by police of the person most in need of protection from domestic and family violence
- other limitations in obtaining and comparing data.<sup>56</sup>

The Commission acknowledges that the causes of domestic and family violence for First Nations communities are complex and multifaceted. Theories which blame or characterise First Nations identity as inherently violent are incorrect and unhelpful.<sup>57</sup>

As discussed in the *Connecting the Dots* (March 2021) report by the Queensland Sentencing Advisory Council,

underlying factors stemming from the impacts of colonisation, dispossession, genocide, racism and the large-scale removal of children all increase risks of trauma and vulnerability to using or experiencing trauma-based violence.<sup>58</sup> Additionally, being pushed to the margins of society creates situational factors such as unemployment, lack of suitable housing and a lack of access to culturally safe social supports which may, in some circumstances, elevate levels of tension, conflict and violence within personal relationships.<sup>59</sup>

The Commission heard evidence from members of the Institute of Collaborative Race Research, who spoke of the political function of statistical stories and how they can construct a narrative that perpetuates stereotypes and controlling interventions. The statistical story that the Institute of Collaborative Race Research speaks of is data confirming the overrepresentation of First Nations peoples in the criminal justice system. They outlined in their Report to the Commission:<sup>60</sup>

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**This statistical story can reproduce racialized imaginings of Indigenous people's communities and cultures as inherently violent. People know these statistics: governments and media recite them. There is an implicit assumption that these experiences of violence are, on one way or another, the result of Indigenous people's behaviour. This behaviour might be understood as the result of a violent/savage culture, or community dysfunction due to substance abuse and disadvantage, or even (in the most progressive formulation) as the 'reverberating intergenerational effects' of colonialism creating social trauma. However, these explanations all locate the violence, and the behaviour that leads to that violence, within Indigenous communities.**<sup>61</sup>

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The shortcomings of using data to gain an understanding of an issue can be illustrated by the increasing number of women in custody, and the limits to what the data about that issue can reveal. The data shows that Australian women's imprisonment has been increasing since the 1980s at a much faster rate than men's imprisonment. The fastest growing prison population is First Nations women and girls.<sup>62</sup>

However, this is not necessarily reflective of an actual increase in offending behaviour. Rather, as reported within *Pathways to Safety* (2021), a report which called for a dedicated First Nations Women's Safety Plan:

**These statistics highlight the dual failure of the criminal legal system's response to Aboriginal and Torres Strait Islander women: it criminalises women who seek safety, and it fails to protect even those it recognizes as at risk of harm.<sup>63</sup>**

Despite the limitations of data to tell a full story, the available data can provide important insights when it is appropriately contextualised.

## DATA OBTAINED BY THE COMMISSION

As noted above, when considering the data obtained from the QPS, Queensland Courts and Queensland Corrective Services, it is important to recognise that it reflects agency actions in response to domestic and family violence.

This data is not a true reflection of the levels of domestic and family violence within any community. Any increase in domestic and family violence related applications, occurrences or offences are likely to be a result of a complex interplay of (among other things) the following changes that have occurred over the last decade in Queensland:

- improved reporting, community awareness and information sharing
- a broader definition of domestic and family violence within the *Domestic and Family Violence Protection Act 2012* (DFVPA)
- a shift to a more proactive police response to domestic and family violence as recommended by the Special Taskforce on Domestic and Family Violence (2015)
- changes in the way data about domestic and family violence is recorded
- the introduction of a default term of five years for Protection Orders.

For example, data from the QPS revealed a sharp increase in the number of domestic and family violence calls for service recorded between 2020 and 2021, and an associated increase in people being named as aggrieved or respondents. However, the Queensland Government Statistician's Office identified that this significant increase may be a reflection of several changes over this period as opposed to an increase in the overall number of domestic and family violence related occurrences in Queensland.<sup>64</sup>

The QPS data about Protection Order applications reflects who police identified as an aggrieved or respondent when they responded to a report of domestic and family violence. This is not always reflective of the pattern of control in the relationship and for this reason this Report adopts the following terms in this Part:

### AGGRIEVED

A legal term to describe the person for whose benefit a Protection Order, or a Police Protection Notice, is in force or may be made under the *Domestic and Family Violence Protection Act 2012*. For the purpose of this Report, particularly when considering issues pertaining to the misidentification of the person most in need of protection, it is recognised that a person who has been listed as an aggrieved in a Police Protection Notice, Protection Order application, Protection Order or occurrence may in some instances be the primary perpetrator of violence within that relationship.

### RESPONDENT

A legal term to describe a person against whom a Protection Order, or a Police Protection Notice, is in force or may be made under the *Domestic and Family Violence Protection Act 2012*. For the purposes of this Report, particularly when considering issues pertaining to the misidentification of the person most in need of protection, it is recognised that a person who has been listed as a respondent in a Police Protection Notice, Protection Order Application, Protection Order or occurrence may in some instances be the primary victim-survivor of violence within that relationship.

Figure 27: Definitions of aggrieved and respondent

This data also categorises persons as Indigenous or non-Indigenous and male or female. The Commission acknowledges that this does not reflect the language used elsewhere in this Report nor does it encompass the nuances of cultural or gender diversity. Compiling this data also relied on how a person self-identified when engaging with police. Data quality can be influenced by a police officer asking these questions as well as a person's comfort or willingness to respond.



## WHO ARE THE POLICE IDENTIFYING AS AN AGGRIEVED?

Figure 28 outlines the rates at which people in Queensland were identified as an aggrieved by police between 2012 and 2021.

QPRIME data over 10 years shows that, by numbers alone, the highest number of aggrieved persons were non-Indigenous women, however this can be explained by the difference in population sizes between Indigenous and non-Indigenous people. When the numbers are placed in the context of relative population sizes, the extent of the overrepresentation of Indigenous people as aggrieved persons becomes clear.

Consistent with other research, Indigenous women were identified by police as an aggrieved at rates of around five to six times higher than non-Indigenous women.

The below graph demonstrates the high rates of police identification of Indigenous women as aggrieved persons in the 10 years between 2012 and 2021:

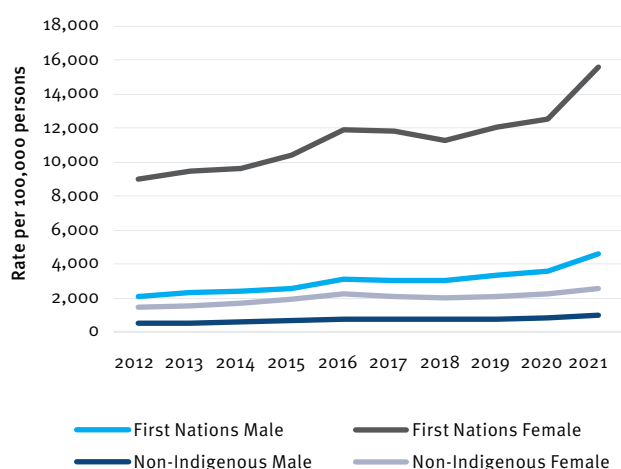


Figure 28: Rates of persons assessed as an aggrieved by police in response to a report of domestic and family violence by Indigenous<sup>65</sup> and non-Indigenous status and sex from 2012 to 2021<sup>i</sup>

## WHO ARE THE POLICE IDENTIFYING AS A RESPONDENT?

Similarly, QPRIME data over 10 years shows that Indigenous people were overrepresented among people identified by police as respondents.

Indigenous men were identified as respondents at a rate that was, on average, 6.4 times higher than that for non-Indigenous men over the 10 years. While the data confirmed that identification as a respondent was more common among Indigenous people regardless of gender, this was particularly evident for Indigenous women over the period under review.

Over the same 10 year period, the rate at which Indigenous women were identified as respondents was, on average, 7.7 times higher than that of non-Indigenous women. In 2021, the rate at which Indigenous women were identified as respondents was almost three times higher than that for non-Indigenous men.

These rates must be considered in the context of other evidence provided to the Commission and the substantial research that shows Indigenous women are often misidentified as perpetrators of domestic and family violence (as discussed further in Chapter 14).

The following graph demonstrates the high rates of police identification of both Indigenous men and women as respondents in the 10 years between 2012 and 2021:

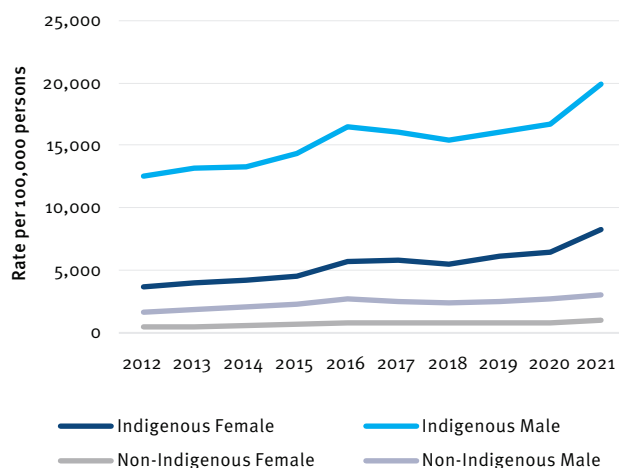


Figure 29: Rates of persons assessed as a respondent by police in response to a report of domestic and family violence by Indigenous and non-Indigenous status and sex from 2012 to 2021<sup>ii</sup>

While information was sought from both the QPS and Queensland Court Services with respect to cross-applications and orders, only information about cross-orders taken out on the same day was available. This does not accurately reflect situations where Protection Orders are established within a relationship more broadly either through police initiated cross orders in response to different calls for service, or where one party has sought a private application following the making of an order listing them as the respondent.

## WHO ARE THE POLICE CHARGING WITH BREACHES OF PROTECTION ORDERS?

Data from Queensland Courts Services<sup>66</sup> provided to the Commission identified the number of defendants charged with an offence of contravening a Protection Order whose matters were dealt with in a Queensland Court between 1 January 2012 and 31 December 2021.

This data shows that, over that 10 year period, Indigenous people were on average 10.8 times more likely to be charged with contravening a Protection Order than non-Indigenous people. The following graph shows the relative rates at which Indigenous and non-Indigenous people were charged with contravening a Protection Order:

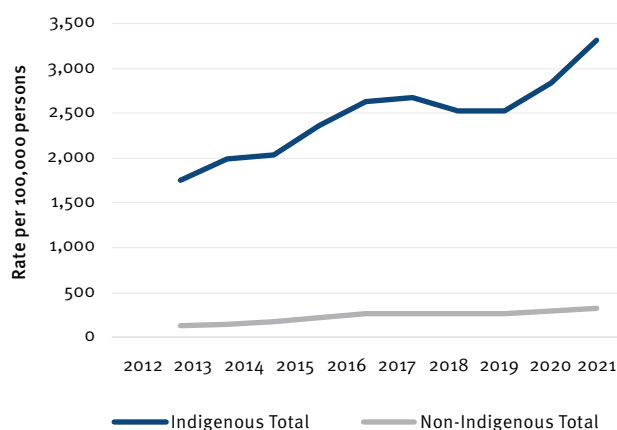


Figure 30: Comparative rates of people charged with contravening a Protection Order by Indigenous and non-Indigenous status from 2012 to 2021

Data from Queensland Courts Services also shows that:

- Indigenous men were, on average, 10.4 times more likely to be charged by police with offences of contravening a Protection Order than non-Indigenous men
- Indigenous women were, on average, 13.4 times more likely to be charged by police with offences of contravening a Protection Order than non-Indigenous women, and twice as likely to be charged as non-Indigenous men.

The following graph shows the break down of the rates at which Indigenous and non-Indigenous men and women were charged with contravening a Protection Order:

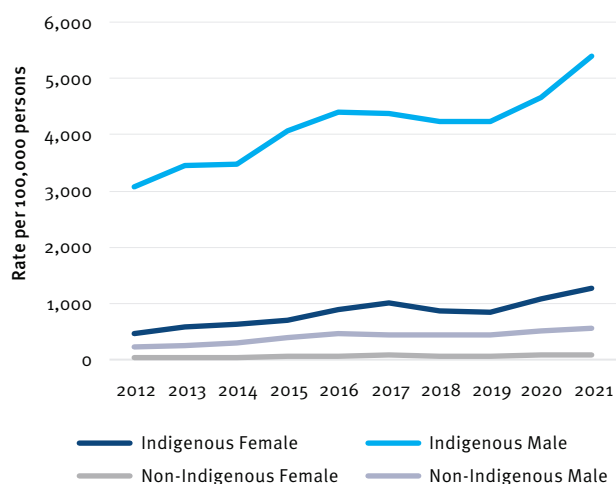


Figure 31: Comparative rates of people charged with contravening a Protection Order by Indigenous and non-Indigenous status and sex from 2012 to 2021.<sup>iii</sup>

## WHO ARE THE POLICE CHARGING WITH DOMESTIC AND FAMILY VIOLENCE RELATED OFFENCES?

The Commission also analysed data from Queensland Courts Services about domestic and family violence related offences. This includes charges relating to assault, strangulation, sexual offences, stalking, willful damage, dangerous operation of a motor vehicle, weapons offences, threats, and/or computer hacking. It excludes charges of contraventions of Protection Orders.

Courts data recording and collation changed following reforms associated with the Special Taskforce on Domestic and Family Violence (2015), so the relevant data available to the Commission is from a shorter time period than the data for Protection Order contravention charges. From 2015, Queensland Courts Services was able to identify distinct domestic and family violence related offences within the Queensland Wide Interlinked Courts database (QWIC).

The data shows that on average, between 2016 and 2021:

- Indigenous people were almost 16.9 times more likely to be charged with a related domestic and family violence related offence than non-Indigenous people
- the rate at which Indigenous women were charged with these offences was 23.2 times higher than the rate for non-Indigenous women, and 3.6 times higher than the rate for non-Indigenous men
- Indigenous men were charged at a rate 15.8 times higher than non-Indigenous men.

The following graph shows the rates at which Indigenous and non-Indigenous men and women were charged with

domestic and family violence related offences between 2016 and 2021:

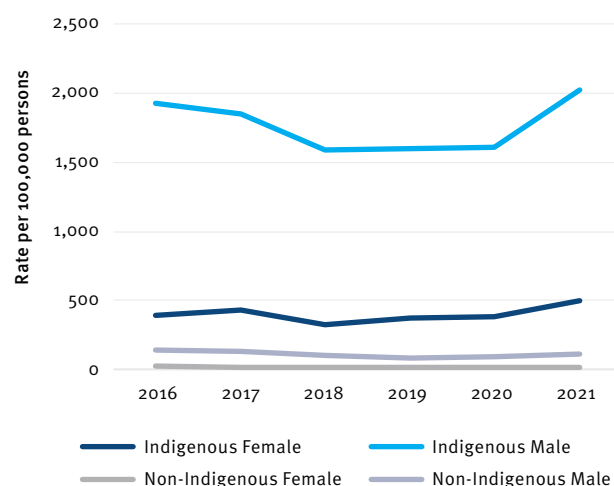


Figure 32: Comparative rates of people charged with domestic and family violence related offences by Indigenous and non-Indigenous status and sex between 2016 and 2021<sup>iv</sup>

## WHO IS BEING INCARCERATED FOR DOMESTIC AND FAMILY VIOLENCE OFFENCES?

Australian Bureau of Statistics data shows that in 2021 there were 3,479 Indigenous people incarcerated in Queensland, just over a third of the total Queensland prison population of 9,952.<sup>67</sup> When considered in the context of general state population data, this means that in 2021 Indigenous peoples were incarcerated at a rate approximately 14 times higher than non-Indigenous people.

Queensland Corrective Services provided data to the Commission on the number of admissions to prison for the last five financial years. Admissions to custody included people on remand<sup>68</sup> and those serving a custodial sentence.

This data revealed that Indigenous peoples are overrepresented in the rates of admission to custody, and that domestic and family violence related offences are an increasing driver of admissions to custody.

Queensland Corrective Services data demonstrated that admissions to custody for domestic and family violence related offences and/or contraventions of Protection Orders account for an increasing proportion of total admissions to custody. In the 2017-18 financial year, admissions to custody for domestic and family violence related offences represented 5% of total admissions, however by 2021-22, this accounted for 35% of the total.<sup>69</sup>

On average, over the last five years:

- Indigenous people were incarcerated for a domestic and family violence related offence and/or breach of a Protection Order at a rate that was 26.4 times higher than the rate for non-Indigenous people
- Indigenous women were incarcerated for a domestic and family violence related offence and/or breach of a Protection Order at a rate that was 37.3 times higher than the rate for non-Indigenous women, and 2.3 times higher than the rate for non-Indigenous men
- Indigenous men were incarcerated for a domestic and family violence related offence and/or breach of a Protection Order at a rate that was 25.7 times higher than the rate for non-Indigenous men, and 417.3 times higher than the rate for non-Indigenous women.<sup>70</sup>

The following graph demonstrates the higher rate of admissions to custody for domestic and family violence related offences and/or breaches of Protection Orders for Indigenous men and women than for non-Indigenous men and women:

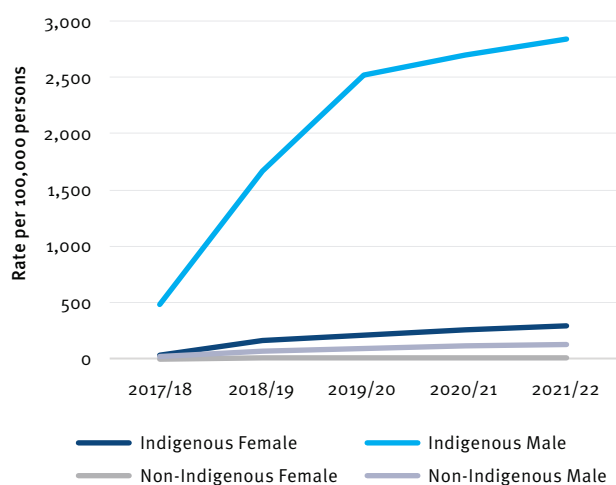


Figure 33: Rates of admission to custody for domestic and family violence related offences, including breaches of a Protection Order by Indigenous status and sex from 1 July 2017 to 30 June 2022<sup>v</sup>

## WHERE ARE POLICE RESPONDING TO DOMESTIC AND FAMILY VIOLENCE THROUGHOUT QUEENSLAND?

Australia's National Research Organisation for Women's Safety (ANROWS) research from 2018 shows that "Indigenous women living in rural and remote areas were up to 45 times more likely to experience family violence than other Australian women living in rural remote areas," a figure that has remained relatively stable since the 1990s.<sup>71</sup>

QPS data reveals that, over 10 years, the majority of domestic and family violence occurrences recorded by police happened in Queensland's major cities. This reflects the relatively high population size of these locations.

However, when taking the relative population size of rural and remote communities into consideration, the data revealed that police have responded to domestic and family violence related occurrences at higher rates in rural and remote locations.

Over the 10 year period, growth in the rates of domestic and family violence occurrences was also highest in remote locations compared to major cities. For example, when comparing data from between 2012 with 2021, the rate of recorded domestic and family violence occurrences per 100,000 persons grew as follows:

- +151.9% in remote locations
- +125.6% in outer regional locations
- +93.0% in inner regional locations
- +99.1% in major cities.

This growth in the rates of domestic and family violence occurrences in cities and rural and remote areas is illustrated by the following graph:

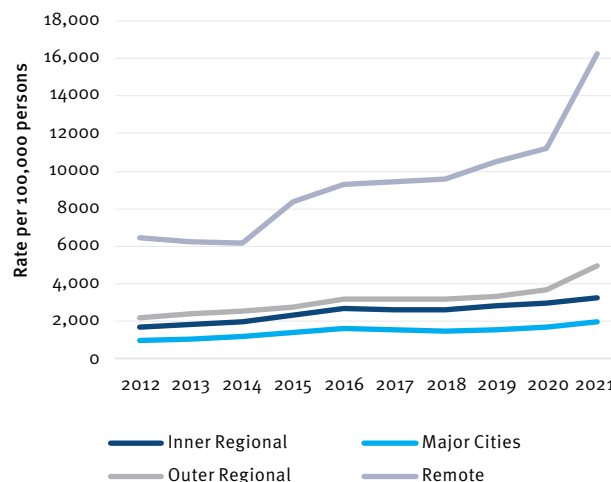


Figure 34: QPS Occurrence data by location from 2012 to 2021<sup>vi</sup>

Data provided by Queensland Courts Services on the proportion of court events<sup>72</sup> involving domestic and family violence in each Magistrates Court district provides further insight into police actions that have resulted in court outcomes (Figure 35).

For example, in 2021, domestic and family violence court events represented a higher proportion of total court events in rural and remote areas than in major metropolitan areas.

Caution is recommended when interpreting the proportions of domestic violence matters heard by Magistrates Courts. Courts in urban areas such as Brisbane and the Gold Coast hear greater numbers and broader ranges of matters than courts in more rural or remote settings which influences statistical results. The information presented provides an indication of the proportion of domestic and violence matters heard by Courts as opposed to an indication of the incidence of domestic and family violence in these communities. These proportions are not population based.

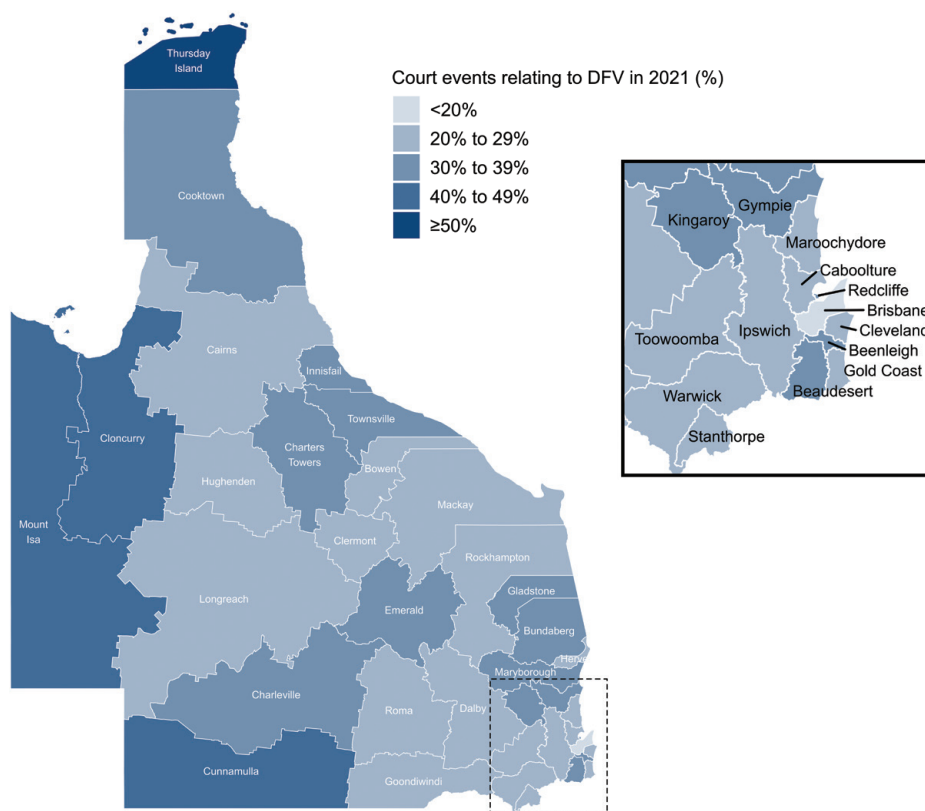


Figure 35: Proportion of Court events in each Magistrates Court District that relate to domestic and family violence matters

## FINDINGS

- First Nations peoples are overrepresented, both in the civil domestic and family violence protection system, and the criminal justice system where breaches of Protection Orders and domestic and family violence related offences are dealt with.
- While First Nations peoples are identified by police as an aggrieved person at significantly higher rates than non-First Nations people, First Nations women are vastly overrepresented as aggrieved persons.
- Both First Nations men and women are identified by police as respondents at higher rates than non-First Nations men and women. First Nations men, in particular, are vastly overrepresented as respondents.
- First Nations peoples are charged with domestic and family violence related offences and contraventions of Protection Orders at higher rates than non-First Nations men and women. The higher rates of police charges are particularly stark for First Nations men.
- First Nations men and women are also imprisoned for domestic and family violence related offences and contraventions of Protection Orders at higher rates than non-First Nations men and women. First Nations men are substantially overrepresented in this area.
- The high rates of domestic and family violence related offences and contraventions of Protection Orders contributes to the overrepresentation of First Nations peoples in the criminal justice system generally.
- While the majority of domestic and family violence occurrences recorded by police occurred in Queensland's major cities, when taking the relative population size of rural and remote communities into consideration, police have responded to domestic and family violence related occurrences at higher rates in rural and remote locations.

# 13 Racism and lack of cultural capability

Racism is the behaviours, practices, beliefs and prejudices that underlie inequalities based on race, ethnicity or culture. This chapter considers what the Commission heard from QPS members, including sworn officers and Police Liaison Officers, about their experiences and observations of racism within the organisation. The material considered by the Commission shows racism in the QPS is a significant cultural issue.

This chapter also discusses the connection between racism and inadequate responses to calls for service involving First Nations peoples. Evidence heard by the Commission raises concerns about police responding differently to First Nations peoples who are experiencing domestic and family violence.

The Commission also heard evidence about the failure of the senior leadership of the QPS to consistently support First Nations officers brave enough to disclose their experiences of racism and the need for change within the organisation.

The Commission acknowledges that there have been recent efforts by the QPS to address racism within the organisation, including initiatives that aim to improve relationships between the QPS and First Nations peoples and communities. These efforts are to be commended. The QPS will need to prioritise this work if it is to address racism, enhance the cultural safety of its responses to domestic and family violence and improve relationships between the organisation and First Nations peoples and communities.

## RACISM IN THE QPS

The Commission heard from many QPS members, both sworn officers and Police Liaison Officers, who have been subjected to racism within the QPS.

QPS members told the Commission about racist language, attitudes and actions, directed at police officers and members of the public alike. Such language included:

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Black cunts.

Stupid black cunts.

Dumb black cunts.

Smelly black cunts.

You're a coon lover.

We should just napalm Aurukun.

We should drop a bomb on Yarry (Yarrabah) and the communities. Problem solved.

QPS are just ticking the black fella box.

Bring out the black shiny shinys for NAIDOC so we can take photos for Workplace.

Get up here and get the black fellas off my esplanade. They are distracting my view, I don't want to see them.

No one wants to work with PLOs.

We should sack all the PLOs and put the money into more police.

We don't want to be in the car with the PLOs because then we can't talk shit about black fellas.

Why would we get the PLOs cars, they would just stink them out.

We don't want PLOs in the car 'cause they stink like parkies.<sup>73</sup>

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QPS members also told the Commission about racist behaviours they experienced beginning as early as induction training at the Queensland Police Service Academy (Academy). The Commission heard that First Nations recruits, already a small group at the Academy, were at times subjected to bullying. One QPS member told the Commission about behaviours witnessed:

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I witnessed the bullying of recruits by a civilian facilitator for more than five years. I complained to the Senior Sgt and Inspector continually with the matter always being swept under the carpet. Many recruits came to me in tears due to the belittling and targeting during their recruit training. It was difficult for them to make formal complaints due to the power imbalance.



However I would still report the behavior and it would continue to be ignored. The facilitator targeted mainly First Nations and gay or lesbian recruits. It was disgusting behavior. At one point six recruits, mainly First Nations persons made formal complaints and there was an investigation where I was interviewed as a witness. Still no changes in the behavior as there were no consequences.<sup>74</sup>

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The conduct referred to above is of serious concern. First Nations police officers and Police Liaison Officers make up a small cohort of the QPS and have been subjected to significant levels of racism, compounding the already complex roles these members have walking in two worlds and balancing the tensions of community and organisational pressures.

Another QPS member told the Commission about a culture of racism at the Academy:

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**Culture might be set at the top, but recruits are being exposed to a culture of racism right from the start.<sup>75</sup>**

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The Commission obtained a recording from a teaching session at the Academy in late 2021 where the facilitator can be heard expressing racist attitudes. The Sergeant, speaking of First Nations peoples, told the assembled recruits:

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**You can smell them before you see them.<sup>76</sup>**

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The Commission is particularly disturbed by this example of explicit racism. The person who made the comment was a relatively senior member of the QPS. The formal setting in which the statement was made in such a blatant, yet casual way, is indicative of a level of impunity and suggests that the racism behind the statement is tolerated by the organisation. Moreover, the Academy is where recruits learn the values of the QPS. It is concerning that the recruits who heard that statement are likely to have learned that displays of racism are acceptable within the organisation.

The Commission heard that QPS members continue to experience racism from their colleagues after they leave the Academy. Examples of racism that was experienced by QPS members over the course of their careers include:

- a non-First Nations sworn officer in North Queensland made a comment in front of a First Nations Police Liaison Officer about genocide, saying “*Tasmania got it right*”<sup>77</sup>
- “*I have personally heard officers refer to going to the toilet as ‘going to drop some ATSI’s off at the pool’. This comment was extremely racist and highly offensive*”<sup>78</sup>
- a non-First Nations Constable in North Queensland said in front of a First Nations officer “*Why don’t we round ‘em all up, put them in the back of cattle trucks and send them to the NT with a fence around them to lock em all up*”<sup>79</sup>
- “*I was at an Australia Day BBQ in a regional area when a First Nations employee of the QPS approached me and said ‘Happy Invasion Day’ in jest. A sworn officer standing nearby replied, ‘Don’t wave that blackfulla shit around me, every other day you don’t care, you’re just acting like a typical abo*”<sup>80</sup>
- an Officer in Charge was asked whether they should organise a Welcome to Country for a formal ceremony, and responded, “*Yeah, but we’ll have to have a proper Abo do it*”.<sup>81</sup>

QPS members told the Commission of ‘casually’<sup>82</sup> expressed racist remarks they had witnessed or experienced. Superintendent Kerry Johnson explained the effect of ‘casually’ expressed racism as follows:

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**It’s that lower level – and maybe it’s just a slang term but they call it canteen culture. It’s just that general chat at station level, in meal rooms or – and some of the conversation that can go on, whilst the people having it mightn’t think they’re doing the wrong thing, somebody who might be multicultural background or First Nations heritage could be deeply offended by it.**

**So if a number of members are talking about, you know, “*the blacks down at Smith Street have been playing up again*”, now, on the surface they mightn’t think what they’re saying is anything overly bad or otherwise; it’s just general, as they call it, canteen culture.**

**Now, if you’re a First Nations person and you hear that, you’d be deeply offended by that. You’ll see instances where – and the odd allegation is made where somebody might be racially profiled or something like that.<sup>83</sup>**

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The Commission heard evidence from another police officer about racism that he witnessed during his career:

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**Like, I've worked with young people that will drive along the street and point out the boongs and the coons and criticise their appearance and their activities when they're just living their lives.<sup>84</sup>**

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This officer also told the Commission about entrenched racism within the station that he had worked in for the last seven years. He said:

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**Entrenched cultures of racism and xenophobia in the QPS also inform the way in which we respond to domestic violence. Many officers at my station believe that Muslim and Aboriginal men are inherently violent and that, due to this, violence in these families should be expected and tolerated. I regularly hear officers make disparaging remarks about Muslim and Aboriginal people, e.g. "the ATSI's are out of control", and "what do we expect? He's a savage." And, on occasions, have heard police officers imitating accents.<sup>85</sup>**

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In addition to the submissions and evidence provided by QPS members, the Commission obtained complaints data from the QPS which included records in relation to recent examples of racist conduct in the organisation.

One instance of racist conduct from 2020 involved a Senior Sergeant referring to a First Nations female officer as a "smelly old dugong".<sup>86</sup>

In November 2021, a Senior Constable, the administrator of a closed QPS Facebook group accessible by members of his station, posted racist messages including a picture of a dark-skinned baby asleep with his arms behind his back, captioned, "How cute! Baby dreaming about being arrested like his father." Another post involved a video of a naked First Nations woman captioned, "Someone fucked up my day so I'm gonna do the same for you."<sup>87</sup>

In March 2022, a non-First Nations Senior Constable used a First Nations accent when conducting an Acknowledgement of Country at the beginning of a meeting at a First Nations community-controlled organisation.<sup>88</sup>

In April 2022, a QPS staff member used racist language in front of an Officer in Charge and a First Nations woman from a youth co-responder team when she asked a colleague whether he was taking "the boong car".<sup>89</sup> The comment left the First Nations woman feeling uncomfortable, culturally unsafe, disrespected and upset.<sup>90</sup>

Each of these incidents were dealt with by way of Local Management Resolution, except for the November 2021 matter involving several racist posts to the closed Facebook group, where no further action was taken against the officer. The Commission is concerned that, as with sexism and misogyny, Local Management Resolution is being used inappropriately to deal with racist conduct.

As discussed in further detail in Part 5, Local Management Resolution is intended to be used for minor errors and genuine mistakes that are unlikely to be repeated. Conduct arising from racist attitudes and beliefs should not be dealt with by Local Management Resolution as it fails to support the person offended against and fails to send the appropriate message that such conduct is not tolerated by the QPS.

QPS officers are community role models, and their attitudes and behaviours set the standards for the broader community. When the QPS fails to act against racist attitudes and behaviours the failure to act reinforces societal biases towards First Nations peoples and communities.

There is a risk that the use of Local Management Resolutions will fail to properly address racism within the QPS, and, by failing to stamp out the problem, allow the conditions in which racism exists to flourish. Dealing with racism by Local Management Resolution is also likely to discourage victims of such conduct from reporting.

## TREATMENT OF POLICE LIAISON OFFICERS

As representatives of diverse groups including First Nations communities and culturally and linguistically diverse (CALD) communities, Police Liaison Officers are a valuable resource for the QPS and communities, contributing to the development of community relationships and providing cultural insights. It is important that Police Liaison Officers are valued for their cultural expertise, treated with respect and supported in a culturally safe workplace.

The racism discussed in this chapter impacts Police Liaison Officers from all backgrounds. Consistent with the Commission's terms of reference addressing the overrepresentation of First Nations peoples, the evidence that the Commission received has predominately focused on First Nations Police Liaison Officers.

The Commission heard from many Police Liaison Officers who feel excluded, unsupported and disrespected by the organisation. One QPS member told the Commission:

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**Police Liaison Officers (PLOs), we supposedly are part of the Police team, yet we are "Police Left Overs" branding.**

**We are not made to feel part of the QPS team because we are ignored and not consulted when police are attending cultural specific jobs.**

**There is no respect shown to PLOs, from some levels of police, those who don't know what PLO's are and what work we do. Police culture of neglect. We are treated like second class citizens.**

**In DV matters PLOs are not consulted, often there is breaches and misunderstanding of Australian law, cultural issues and we are ignored and not called upon, yet it is our job and role to educate.**

**Police culture is that there is a lot of discrimination against us because of our colour. Racism is alive and well in the QPS. On face value these look good**

but on the other hand we are a different colour. Leadership team get up in public and say they value us, but they don't. They ignore us, they don't give us training, and they don't give us resources to do our job. What they say and what they do are completely separate.<sup>91</sup>

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Material obtained by the Commission from the QPS included examples of racist treatment of Police Liaison Officers. In one case, in 2021, a complaint of bullying and unprofessional conduct was made against an Officer in Charge of a Cross Cultural Liaison office where he was the supervisor of 13 Police Liaison Officers.<sup>92</sup>

The complaint involved 10 allegations of bullying staff and acting unprofessionally towards members of the broader community. The QPS Ethical Standards Command assigned the complaint to the district where the conduct occurred for investigation. The Superintendent from that district observed, in relation to the seriousness of the conduct, that:

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The subject member assumed responsibility for the supervisory management of Police Liaison Officers (PLO's), in 2013. In that time between assuming responsibility to the receipt of the complaint subject of this matter, there have been significant, identified and corroborated instances of abuse towards PLO members.

...Excessive use of obscene and threatening language coupled with intimidatory behaviour and threats to the livelihood and employment of certain PLO's, represent to me a clear abuse of power (Misconduct), and a failure to properly manage in a fair and equitable way, members of the police community under his supervision.<sup>93</sup>

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The matter was referred to the Office of State Discipline. That office declined to commence a disciplinary proceeding and instead, having formed the view that three of the allegations were capable of being substantiated on the evidence, referred the matter back to the district for the Officer in Charge to be dealt with by Local Management Resolution.

As with the cases referred to in the previous section, the Commission considers that it is inadequate to address this matter by Local Management Resolution. The officer's conduct involved swearing at his staff, belittling and ridiculing Police Liaison Officers with comments including, *"I got you your job"* and, *"if it wasn't for me, you'd still be driving a taxi."*<sup>94</sup>

In another example of racist conduct seen by the Commission, an Officer in Charge in South-East Queensland said to a Police Liaison Officer he disagreed with, *"If you don't like it, go and live under the bridge with the rest of your kind."*<sup>95</sup>

The racism experienced by Police Liaison Officers is significant and has damaging consequences, with many already feeling ostracised and unsupported by the QPS. The QPS must make significant efforts to address the treatment of Police Liaison Officers and support their unique and valuable role.

## THE LOSS OF GOOD OFFICERS

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The QPS has very few officers who identify as First Nations peoples, particularly at senior levels. Material considered by the Commission suggests there are presently six officers at the rank of Inspector, and none above.<sup>96</sup> The Commission notes that evidence provided by the Police Commissioner suggested there were at least two officers at higher ranks, but she did not seem to appreciate that, although these people may have First Nations backgrounds, they may not identify as First Nations people.<sup>97</sup>

One QPS member told the Commission that many First Nations members have left the QPS over the years because of the racism and lack of cultural safety in the organisation:

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Numerous FN [First Nations], CALD [Culturally and Linguistically Diverse], and POC [People of Colour] police have left over the years due to the racist environment. I know of First Nations members sitting on sick leave due to racism and lack of culturally safety within the QPS...

The QPS has approximately 330 Commissioned officers (Inspector to Commissioner level), all of whom are white. There are no FN, CALD (if they are, they are white-passing), or POC within commissioned officer ranks. Therefore, the people with delegated positional power have no actual insight into the impact of racist policing practices and policies. I have spoken with many leaders to try and gauge their levels of understanding about racism. I have been met with blank stares, have been censored, and met with denial about its existence and impacts...

Additionally, if you ask FN, CALD and POC employees there will be evidence to suggest that the environment is unsafe for FN, CALD or POC to speak up about racism.

There are numerous FN, CALD, and POC women and men in Queensland for their safety who need the QPS to deal with its internal racism. The inability of the QPS to deal with its internal racism will impact the effectiveness of future DFV policies and policing practices.<sup>98</sup>

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The Commission was provided with a separation notice sent to the Police Commissioner by a First Nations Sergeant when resigning in late 2022. The letter identified the reasons for the resignation as follows:

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As you are aware I have been on Sick Leave since [REDACTED], suffering cultural fatigue/cultural burnout. Whilst the symptomatic conditions diagnosed is cultural fatigue, it is acutely related to my personal, lived experiences of racism and discrimination, seen, heard, and felt throughout the total expanse of my career and the various areas I worked within the QPS.

Racism does exist in the QPS and continues to thrive and be accepted as an 'organisational cultural norm'. It presents in forms of micro and macro aggression of racism.

It is evident in the daily experiences of this organisation's cultural experts, Police Liaison Officers & Torres Strait Island Police Liaison Officers (PLO). The QPS has no insight into PLO experiences of racism, as PLOs know that they are the most devalued and unsupported cohort in the QPS. The QPS is dismissive of the fact that some of them are cultural leaders, traditional custodians, academics, and some hold high dignitary roles culturally and professionally across their communities. I have borne and taken carriage of PLO, indigenous and POC afflictions relating to micro and macro aggressions of racism, for a long time and it has broken me.

...In 26 years, I have not seen any Aboriginal and or Torres Strait Islanders represented at executive level or higher than the rank of Inspector. The last indigenous QPS Inspector, recently resigned from the QPS, after 30+ dedicated years of service. Did the QPS recognise and celebrate the service of this officer? Will there ever be another like that officer? There has only ever been five appointed Inspectors, who proudly identified as Indigenous, in the history of QPS. This speaks volumes on how 'unsafe' the QPS environment is for First Nations Aboriginal and Torres Strait Islanders. If indigenous persons or a POC never attain leadership roles across the QPS, then how will there ever be progressive, authentic, and genuine reforms to support its indigenous and POC members internally. "If we get it right internally, we will do an exceptional job externally".

I no longer feel that the QPS affords a working environment that is 'culturally safe' for me, to bring my true, authentic self to work as a recognised indigenous person and POC.

...in 2020, I along with several other QPS members met with Commissioner Katarina Carroll, Deputy Paul Taylor (former), Deputy Commissioner Doug Smith (former) and Deputy Commissioner Tracy Linford, to speak about lived experiences of racism, with the expectation that the CoP along with her Deputies will address the topic organizationally. It is now 2022 and nothing has been done by the QPS to address racism.<sup>99</sup>

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These were not the words of a bitter and disgruntled employee. The officer is known and highly regarded by the Police Commissioner, who gave evidence on 6 October 2022 that she personally knew this officer and in relation to the matters raised in his separation notice, said:

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They would have some validity to them, yes.

...

I would have to look into everything that he said. There is a lot in those statements. I've known [the officer] for a long period of time. I think the world of him, and when I got this I was upset, I suppose, because I do know him very, very well.<sup>100</sup>

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The Commission considers the resignation of this senior, long-serving officer speaks volumes about the impact of the racism experienced throughout a career, and the lack of support provided by the organisation.

This officer's experience was not isolated. Another QPS member, who identifies as a First Nations person, who has served the QPS for more than two decades, told the Commission:

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There is so much nastiness, bullying, corruption, nepotism, racism and cultural ignorance happening within the Queensland Police Service that I have become mentally, physically, socially, emotionally and culturally effected due to the way the Queensland Police Service has / is handling my complaint. I am on WorkCover, see a psychologist and have recently had an IME which was required by WorkCover. But I am trying to build myself up to return to work as I had once loved working for the Queensland Police Service.<sup>101</sup>

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There is a culture of fear and silence in the QPS, which is discussed in Parts 1 and 3 of the Report. It operates to inhibit the making of complaints for fear of retribution, fear of being perceived to be a 'dog' by colleagues, fear of career damage or fear that nothing will change even if a complaint is made. Racism is therefore likely to be under-reported within the QPS. This means that it is difficult to measure the extent of the racism, however the material before the Commission indicates it is a significant problem.

Racism within the QPS is unlikely to be addressed in a meaningful way unless the QPS prioritises the cultural capability and cultural safety of the organisation.



Cultural capability can be enhanced by workplace diversity and it is vital that there are First Nations peoples employed at the QPS, including at a senior level. QPS members who spoke to the Commission said that they did not always feel the QPS was a culturally safe workplace. Culturally safe and relevant employee support services should be available to ensure First Nations employees are able to access assistance and support, including from Units such as the Integrity and Performance Group (within the Ethical Standard Command) responsible for maintaining the ethical health of the organisation.

Recent efforts to support First Nations members include the establishment of the QPS First Nations Network which is an internal support network accessible via the QPS Workplace website and the Employee Assistance Program “13YARN” which commenced in April 2022. These efforts are positive and should continue to be supported by the organisation

## FACTORS WHICH INHIBIT CHANGE

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QPS members told the Commission it is difficult to speak out about racism. The culture of fear within the organisation extends to complaints about racism. The Sergeant who resigned in September 2022 said:

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**Whilst my experiences, have accumulated over the course of my service, there has always been a genuine sense of fear and reprisal by coming forward and speaking up about my experiences of racism. The fear existed as the QPS has never established a culturally appropriate and culturally sensitive area (or Unit) to support members coming forward to report instances. Existing reporting measures (ESC) only causes fear, anxiety, and trauma for indigenous people and POC. How does an indigenous person of POC feel confident coming forward to report racism, where there is a high probability that the senior assessment/investigating officer will be white? Where is there fairness if the member taking the complaint has no context or understanding of racism, particularly from a member who is already marginalised by being indigenous or POC.<sup>102</sup>**

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It is important for QPS members who identify as First Nations peoples or People of Colour to have an avenue of complaint that is culturally safe, particularly within an organisation where complaints are discouraged by cultural and structural barriers, and can even lead to derision and rejection.

Currently, the QPS complaints system does not have a unique code to identify race-based complaints. This inhibits change as it limits the ability of the QPS and the Crime and Corruption Commission (CCC) to identify, monitor and address complaints about racism. This deficiency must be actioned as a matter of urgency. The Commission makes a recommendation to this effect at the end of this chapter.

In August 2020, a number of officers who identify as First Nations peoples and People of Colour met with the Police Commissioner and other senior QPS leaders to discuss their experiences of racism within the

organisation spanning decades. It was noted by the Police Commissioner that the officers were “*visibly upset*” when they recounted their experiences. The officers identified participation in this meeting was “*traumatic*” and they were “*fearful*” of sharing, but did so hoping that it would lead to improvements in the organisation.<sup>103</sup>

Afterwards, a Senior Sergeant wrote to the Police Commissioner and the other senior leaders present at the meeting to express gratitude, saying:

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**We truly appreciated how you made us all feel at ease, comfortable sharing our stories and enabling us to genuinely ‘speak truth to power’. We all walked out of that room feeling like we had finally been ‘heard’ for the first time in years.**

We know it is a long road ahead, however, we are all feeling positive that genuine change can come. Whilst things may move slowly, we just are happy to start moving in a direction that will create a better QPS for all.

...That is why I will never forget 7 August 2020, because all the indignities that we had suffered over the years was finally turned into something that can be used for good to try and bring change. I walked out of that room yesterday proud to be a Queensland Police Officer.

Thank you and I truly look forward to seeing what evolves next.<sup>104</sup>

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The following month, in September 2020, a First Nations woman died in custody. A public protest was held condemning systemic racism within the QPS. The Police Commissioner made a media statement in which she said she was upset to hear some protesters labelling the organisation as racist. She said:

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**I am really upset about that. We’ve done the right thing here all along. We’ve been extraordinarily open and transparent about this investigation, like we should be and always are.**

**Sadly, she did pass away – sadly, it was of natural causes, *but we are in no way racist*.<sup>105</sup>**

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The Commission acknowledges this was a complex situation for the Police Commissioner to handle. It was important to address any public perception of police racism to ensure those needing QPS support maintained their confidence in the organisation. However, her statement that the QPS is “*in no way racist*” is likely to have distressed the officers who had, just the month before, informed the Police Commissioner of their experiences of racism in the QPS. The Commission is also concerned these comments may have deterred these officers from speaking out again and discouraged other QPS members from feeling confident they would be believed if they came forward.



When she was asked about her statement that the QPS is “*in no way racist*” at a Commission hearing, the Police Commissioner said:

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**That is saying that 17 and a-half thousand members of the QPS are racist. That is speaking on behalf of 17 and a-half thousand people who are watching me.<sup>106</sup>**

**...And then I went on to say that there are a few that might say and do the wrong thing. I know I have racist people in the organisation. I know that.<sup>107</sup>**

**...I could have chosen another word. But when you stand up and say that – and I should have chosen “the organisation as a whole is not racist”.<sup>108</sup>**

**...When I look at benefit of hindsight, I would have reframed it, because I know and I know we have racist people in the organisation. It was just saying that the whole organisation is not racist.<sup>109</sup>**

**...I accept that saying it in that manner would have upset my people in the organisation.<sup>110</sup>**

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As with sexism and misogyny, when it comes to racism, language matters. The Commissioner let down the people she had met with, and the organisation as a whole, when she declared that the QPS was “*in no way racist*”.

Language which minimises racism is one factor which inhibits change. Another is a lack of organisational response to complaints about racism. In that respect, the Commission heard of a lack of action taken by the Ethical Standards Command in relation to a complaint of racial profiling of one of the organisation’s own members. The circumstances of the incident and complaint are contained in the following case study:

## **CASE STUDY: A SENIOR CONSTABLE’S EXPERIENCE**

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In early 2021 a First Nations off-duty Senior Constable was walking down the street at night near her home. A police car drove past her, then braked and reversed back to speak to her. The police officer asked her what was going on. The woman was polite and said nothing was going on and she was on her way to see her friend. The officer said “*you have been breaking into cars and houses*” and asked for her name. The woman denied this and declined to provide her name.

The officer made his allegation repeatedly and continued to ask for her name and address. The woman continued to decline to provide these details until the police eventually drove off. She did not disclose that she was a police officer. The woman felt harassed and racially profiled. She did not observe anyone else being stopped by police. A couple of

months later, she commenced work at the same station the officers who had stopped her were based. She questioned the officers about why they had stopped her but she did not get a response.

She raised the issue with her Officer in Charge who said that the officers were just doing their job and she should forget about it. This matter was reported to Ethical Standards Command, who determined the allegations were not capable of being substantiated.<sup>111</sup>

Words and actions of the organisation’s leaders which fail to recognise and acknowledge racism in the organisation inhibit change. Until the QPS leadership demonstrates, by its words and actions, that it accepts responsibility for this significant cultural issue and engages more meaningfully with First Nations peoples and communities, little will change in the organisation.

## **THE LINK BETWEEN RACISM AND POOR POLICING RESPONSES**

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The Commission heard about the impacts of racism on police responses to First Nations peoples and communities. One QPS member described an incident where a police officer expressed racist views about two women:

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**A First Nations police officer was in the car with a non-Indigenous officer. They were driving down a main street and approaching two Aboriginal women arguing or fighting on the side of the road. The non-Indigenous officer said to the First Nations officer “Look at this pair of gins having a go”. The First Nations officer replied, “That’s my Auntie” and was offended by the derogatory language.<sup>112</sup>**

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The Commission also obtained complaints data from the QPS which included records demonstrating the link between racism by QPS members and poor interactions with the community.

In one instance, between October and November 2021, a watchhouse Sergeant referred to prisoners in her care as “*coons*” and “*the black ones*”.<sup>113</sup>

In another instance from December 2021, a Senior Constable pushed a member of the public and demanded he speak to the officer in English, saying to him, “*mate, we’re not fucking retarded*.”<sup>114</sup>

In the above incidents, the officers were dealt with by Local Management Resolution, which the Commission considers to be inappropriate for dealing with racist conduct.

Racist attitudes held by police can influence their response to domestic and family violence matters. Racist attitudes influence how officers treat victim-survivors, and can result in victim-survivors feeling dismissed, or feeling they are somehow complicit in their abuse.<sup>115</sup> The impact of these attitudes on overrepresentation of First Nations peoples in the criminal justice system as victims and offenders is outlined in more detail in Chapter 14.

## CULTURAL CAPABILITY

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In addition to a failure to respond appropriately to incidents of overt racism, the evidence before the Commission demonstrates that the QPS has not sufficiently prioritised developing the cultural capability of the organisation. As a result, QPS officers, at times, lack cultural awareness, leading to police responses involving First Nations peoples and People of Colour which do not always meet community expectations. One QPS member told the Commission:

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**Racism is alive and well within the QPS. It is seen, heard and felt amongst its members and embedded within the systems, procedures and policies that the organisation operates within. This makes it impossible for any genuine, authentic and purposeful engagement across its Aboriginal and Torres Strait Islander, Culturally and Linguistically Diverse Communities across this state. This includes the area of DFV. There are many instances where Torres Strait Islander Police Liaison Officers have had to deal with DFV, with very limited and lack of support from the QPS. But, it is not just limited to TSIPLD's, its also felt across the whole of the QPS PLO cohort.**

**I know from my experience that DFV is not advocated or represented with [sic] within the QPS and its internal reporting systems, which fails our Indigenous and CALD community. It has created a lack of trust and faith in the organisation. There is 'a complete lack of cultural awareness' to support appropriately supporting and developing authentic cultural capability.<sup>116</sup>**

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The Commission is concerned about the way that the QPS leadership has failed to respond appropriately to racism within the QPS, as well as the lack of investment in, and the under-utilisation of, existing resources such as the First Nations and Multicultural Affairs Unit, the First Nations Reference Group and Police Liaison Officers.

The Police Commissioner gave evidence on 6 October 2022 at which time she described the August 2020 meeting with First Nations members of the QPS about their experiences of racism within the organisation in the following way:

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**It was an important meeting, and it was extraordinarily moving.<sup>117</sup>**

**... what it did to me was cause me grave concerns.<sup>118</sup>**

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However, it appears that no action was taken to support these members following this meeting. Only a month later the Police Commissioner made her statement to the media that *"we are in no way racist"*.<sup>119</sup>

QPS members told the Commission that better leadership is required to confront the issue of racism in the organisation. A Police Liaison Officer told the Commission:

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**The Commissioner is out of touch with what is happening. The Executive leadership team is out of touch with what is happening at the ground level. They get their information to make them look good, none of the bosses want to criticise when reporting information upwards. Nobody wants to rock the boat; they don't want to be in the bad books.**

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**The bosses come to us when the problem goes out of hand, instead of coming to us when the problem is building. They want us to fix things but they don't include us in meetings, they don't include us in responses, they don't include us in conversations.<sup>120</sup>**

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## THE QPS FIRST NATIONS REFERENCE GROUP

The QPS established a First Nations Reference Group in September 2021 to provide advice to the Police Commissioner about police practices and First Nations communities, and inform QPS strategic decision-making, understanding, and relationship building.<sup>121</sup>

The Commission commends the development of the First Nations Reference Group as a valuable initiative to ensure that the QPS is well-informed about the issues impacting police relationships with First Nations communities, and consequently is best able to make suitable strategic decisions.

Unfortunately, there has been a lack of action and transparency from QPS leadership, resulting in delayed meetings and a failure by the QPS to progress the status or work of the group in any meaningful way.<sup>122</sup> The QPS leadership has also failed to engage with the Group in a transparent and respectful way. When questioned by the Group about this, the QPS advised that difficulties had been caused by QPS staff changes and the ongoing finalisation of the membership of the Group, causing significant confusion for the Group as it had received confirmation of their membership three months earlier.<sup>123</sup>

The QPS also made a number of inaccurate statements about the Group, including that it was not properly representative and that there had not been a proper selection process.<sup>124</sup> The material obtained by the Commission demonstrates this was not correct.<sup>125</sup> There was an open selection process including a nominations process and candidate interviews. As the Police Commissioner accepted in her evidence,<sup>126</sup> the Group is a representative and diverse group, from areas covering most of Queensland, and includes academics, leaders and respected community members.

The Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships told the Commission that, in March 2022, the QPS sought advice about the process for properly establishing the Group.<sup>127</sup> It appears the Department gave advice about what might constitute 'best practice'<sup>128</sup> but there is in fact no standard government-wide recruitment and selection process for an advisory group.<sup>129</sup> While it appears 'best practice' was not followed when the Group was established six months earlier, the process conducted by the QPS is, in the Commission's view, adequate. This advice, sought belatedly, is not justification for failing to meaningfully engage with the Group to date.

Since the Police Commissioner's evidence on 6 October 2022, the Commission has been advised that a further First Nations Reference Group meeting is scheduled to occur in November 2022.<sup>130</sup> Genuine engagement by the QPS with this Group should be encouraged and continue.

The role of the Group should be strengthened to ensure they are best supported to provide strategic advice to QPS leadership. There should be a mechanism by which the Executive Leadership Team receives information and advice from the Group in a timely way, and the Group should be supported to provide advice to the leadership in a meaningful way. The Commission makes recommendations regarding the support and utilisation of the First Nations Reference Group at the end of this chapter.

## STRATEGIC PLANS AND CULTURAL CAPABILITY

In addition to elevating the role of the First Nations Reference Group, the QPS can embed cultural capability and intelligence through processes such as a Cultural Capability Plan and a Reconciliation Action Plan. With meaningful commitment, plans such as these can assist in enhancing and prioritising cultural capability across the organisation, especially when linked with the organisation's Strategic Plan and Operational Plan. The QPS developed a Cultural Capability Plan in May 2021 which includes a number of initiatives and performance indicators but does not include any timeframe for achievement. Additionally, there are minimal cultural capability priorities in the 2022-2023 QPS Operational Plan.<sup>131</sup>

The QPS has not developed its own Reconciliation Action Plan despite this being considered beneficial by the First Nations and Multicultural Affairs Unit.<sup>132</sup> The Unit recognised the importance of a QPS-specific Reconciliation Action Plan, and how this would contribute to the current organisational Strategic Plan, and reflect similar initiatives undertaken by other Australian police services.<sup>133</sup> The Unit noted that a QPS Reconciliation Action Plan would provide an opportunity for the QPS to partner and meaningfully engage with First Nations communities, and that without a Reconciliation Action Plan other QPS actions may appear tokenistic.<sup>134</sup>

The Police Commissioner said in her evidence on 6 October 2022 that she had not been briefed on the benefits of a Reconciliation Action Plan but that she would support the development of such a plan if it were recommended.<sup>135</sup> The Commission considers it would be appropriate for the QPS to have a Reconciliation Action Plan and makes a recommendation to that effect at the end of this chapter.

## THE QPS FIRST NATIONS AND MULTICULTURAL AFFAIRS UNIT

It would appear that some of the difficulties with progressing the First Nations Reference Group, and the development of other initiatives such as a QPS Reconciliation Action Plan, have been associated with, at least in part, governance, capability and capacity issues within the First Nations and Multicultural Affairs Unit, which sits within the Communications, Culture and Engagement Division.<sup>136</sup>

A recent review of the Division, ordered by the Police Commissioner, found the Unit was *"neither well organised, nor structured, nor governed well, nor has good capacity or capability"*.<sup>137</sup> In reality, the Unit faces similar challenges to those encountered by the Domestic, Family Violence and Vulnerable Persons Command outlined in Part 2 of

this Report.

The Unit was established in 2020. It is comprised of two portfolios that operate alongside each other: First Nations and Multicultural Affairs. There are staff responsible for the coordination of Police Liaison Officers, the recruitment of First Nations officers and matters of governance.

The Commission separately interviewed 12 members of the Unit in September 2022. It was apparent from these interviews the members were hard-working, dedicated, and passionate.<sup>138</sup>

The Unit's capacity to meaningfully enhance the cultural capability of the QPS is hampered by a lack of strategic direction, under-resourcing and staffing uncertainty. Seventy per cent of the Unit's staff are employed in temporary positions, impacting the ability to build both internal and external relationships.<sup>139</sup> Inspector Jacquelin Honeywood told the Commission:

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**So a lot of the work that we do within the unit, the portfolios, is it's a long-term strategy, it's a long-term planning. Cultural capability can't be enhanced overnight. So it's about building those relationships, and building relationships internally and externally takes time and trust. If you've got a continual turnover of staff, which we tend to in certain positions, it's really difficult to maintain those consistencies in relationships. So I think I'm on to my fifth superintendent, acting superintendent in charge of the unit, and it's a complex space as it is. So then each time a new person comes in they bring a different perspective and a different investigation and then, you know, it all sort of starts again. So very difficult to maintain relationships when you've got this constant revolving door of people.**<sup>140</sup>

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Concerns were raised about the consolidation of First Nations and Multicultural portfolios within one Unit.<sup>141</sup> The cultural considerations for First Nations peoples and their ownership of and connection to this country, as well as specific and significant reporting obligations that relate only to First Nations matters, mean that, despite a shared strategic focus on community engagement, the nature and focus of the work done by these two portfolios is very different.<sup>142</sup>

The Commission considers that it would be appropriate to have a separate First Nations Unit and a Multicultural Affairs Unit, rather than separate portfolios within a single Unit and makes a recommendation to this effect at the end of this chapter. The Police Commissioner indicated support for this in her evidence on 6 October 2022.<sup>143</sup>

Additionally, further consideration must be given to the staffing of these Units. The First Nations Network<sup>144</sup> ran a recent 'Nothing About Us Without Us' campaign to remind the QPS and its members that First Nations voices need to be involved in all strategic matters relating to First Nations peoples and communities. The Commission is aware that there are only a limited number of First Nations peoples in the Unit. Multiple QPS members raised this concern with the Commission.<sup>145</sup> Only one position is an identified First Nations position.

Of the 12 staff members who spoke with the Commission, four told the Commission that they identify as a First Nations person.<sup>146</sup>

It is important that the QPS prioritises the proper structuring and staffing of the First Nations Unit so it can work effectively to address racism in the QPS, enhance cultural capability, and progress initiatives to improve relationships between the QPS and First Nations communities. The Commission makes recommendations regarding the First Nations Unit at the end of this chapter.

In her evidence, the Police Commissioner agreed that strengthening the Unit was important “so that any issues of racism within the QPS can be appropriately addressed moving forward.”<sup>147</sup>

## FINDINGS

- Racism is a significant problem within the Queensland Police Service. It manifests in discriminatory behaviours directed towards First Nations employees, employees from other cultural backgrounds and members of the community. Such behaviours are a breach of their human rights.
- The Queensland Police Service has not consistently dealt with racist conduct in an appropriate manner. When the organisation’s response does not send a clear message that racism will not be tolerated, it fails the members who suffer as a result of the conduct, and fails its membership as a whole.
- The Queensland Police Service has not consistently provided a culturally safe workplace for First Nations employees.
- The Queensland Police Service has not sufficiently prioritised the development of cultural capability within the organisation. As a result, Queensland Police Service responses, at times, lack cultural capability which leads to responses that do not meet community expectations.
- The First Nations Reference Group has the potential to perform an important function in providing expert advice to the Queensland Police Service to assist in improving the cultural capability of the Queensland Police Service and its relationships with First Nations communities. Its role should be strengthened, and there should be a mechanism by which the Executive Leadership Team receives timely information about the Group’s advice to the Queensland Police Service.
- The First Nations and Multicultural Affairs Unit has the potential to play an important role in enhancing the cultural capability of the Queensland Police Service, however the Unit’s effectiveness has been constrained by structural and resourcing limitations. As a result, it has been unable to provide the strategic direction necessary to drive improvements in cultural capability and other initiatives to improve relationships between the Queensland Police Service and First Nations communities.
- The development of a Reconciliation Action Plan will assist the Queensland Police Service in developing cultural capability.
- Strengthening structures aimed at improving the cultural capability of the organisation is likely to address racism within the Queensland Police Service as well as lead to more culturally appropriate responses to domestic and family violence.

## RECOMMENDATIONS

### Recommendation 44

Within six months, the Queensland Police Service establish an additional complaint code to explicitly capture complaints involving allegations of racism.

### Recommendation 45

Within three months, the Queensland Police Service elevate the role of the First Nations Reference Group by requiring that:

- the Group be co-chaired by a member of the Queensland Police Service and one of the community members of the Group and meet regularly but no less than every three months
- members of the Group report any issues identified by or reported to them to the Group at each meeting
- the Group discuss those issues and make recommendations about matters the Queensland Police Service should consider in order to enhance police responses to First Nations peoples and communities, including in relation to domestic and family violence in Queensland
- the Queensland Police Service member report on those recommendations and any actions taken to the Executive Leadership Team after each meeting
- the Queensland Police Service member advise the group at the next meeting any decisions of the Executive Leadership Team made supporting their recommendations and actions
- the terms of reference for the Group be confirmed
- an initial action plan be developed.

### Recommendation 46

Within 12 months, the Queensland Police Service separate the First Nations and Multicultural Affairs Unit into two distinct and standalone units.

### Recommendation 47

Within 12 months, the Queensland Police Service establish the First Nations Unit as a permanent organisational unit with current staffing positions transitioned to permanent, including designating First Nations identified positions, and resourcing levels reflective of its current and future role.

### Recommendation 48

Within 12 months, the Queensland Police Service make explicit its commitment to culturally safe policing by:

- developing a Reconciliation Action Plan with input from the First Nations Reference Group, and the Queensland Police Service First Nations Unit
- ensuring a direct link is made within the Queensland Police Service strategic and operational plans to the Reconciliation Action Plan commitments.

## HUMAN RIGHTS CONSIDERATIONS

Creating a new complaint code to recognise racist behaviors will help promote the human rights of victim-survivors and First Nations members who may be subject to racism, including cultural rights (s28 HRA) and the rights of recognition and equality (s15 HRA).

The cultural capability of the QPS can be improved by strengthening relationships with First Nations peoples and communities and ensuring that structures are in place to support engagement and collaboration. Achieving those improvements will be assisted by the establishment of a First Nations Unit, elevating the role of the First Nations Reference Advisory Group, and developing a Reconciliation Action Plan. This will engage and promote the human rights of First Nations peoples including their recognition and equality before the law (s15HRA) and cultural rights (s28HRA).





# 14 Impacts of cultural issues

The Commission was tasked with considering how the cultural issues it identified in QPS responses to domestic and family violence contribute to the overrepresentation of First Nations peoples in the criminal justice system.

As discussed in Part 3 of this Report, the Commission identified sexism and misogyny, negative attitudes towards domestic and family violence and a cultural aversion to responding to domestic and family violence within the QPS. The Commission also found continued failings in the QPS response to these issues.

As discussed in the preceding chapter, the Commission found that racism is also a significant issue within the QPS. A lack of cultural awareness among its officers also hampers its response to domestic and family violence.

The Commission recognises that a person's experiences of domestic and family violence may be compounded by intersections of oppression or privilege in gender, age, race, disability, sexual orientation and gender identity, geographical location, language, employment and education.<sup>148</sup>

These intersections inform how victim-survivors respond to their experiences of domestic and family violence and how they engage with police. As Dr Heather Nancarrow of Monash University explained in her research:

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**A racially marginalised woman does not experience the barbs of sexism, merely as a woman; nor does she experience the barbs of racism, merely as raced. The shape of the barb and the harm it inflicts are produced within simultaneous multiple factors that are gendered, racialised, and classed and mutually constitute her identity and experience.**<sup>149</sup>

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This chapter examines how the intersection of various cultural attitudes and practices within the QPS combine with systemic inequalities to contribute to the overrepresentation of First Nations peoples in the criminal justice system at every stage of a domestic and family violence investigation.

As discussed briefly below, these issues are compounded for First Nations peoples by an increasing focus on criminal justice system responses to domestic and family violence following recent changes in legislation, policies and practice in Queensland.

## UNINTENDED CONSEQUENCES OF A STRENGTHENED CRIMINAL JUSTICE RESPONSE

Over the past 10 years, there has been a growing policy focus on strengthening the criminal justice system response to domestic and family violence to better protect victim-survivors and their children, and hold perpetrators accountable for their use of violence.<sup>150</sup>

However, this focus has also directly contributed to the increasing overrepresentation of First Nations peoples within the criminal justice system. Dr Nancarrow told the Commission that, "*the quasi-criminal Domestic and Family Violence Protection Act 2012 (DFVPA) is a significant pathway to the criminal justice system for First Nations people*".<sup>151</sup>

Indeed, when the *Domestic and Family Violence Protection Bill 2011* was introduced in Queensland it recognised that increased criminalisation of domestic and family violence can be counter-productive and have a range of unintended consequences, including preventing victims from seeking help and/or creating further disadvantage.<sup>152</sup>

This policy focus has been driven by reforms associated with the Special Taskforce on Domestic and Family Violence (2015) which concentrated on strengthening police and justice responses to domestic and family violence through:

- the introduction of a new offence of strangulation and suffocation<sup>153</sup>
- increasing the maximum penalties for breaching Protection Orders<sup>154</sup> and Police Protection Notices<sup>155</sup>
- extending the minimum period of the operation of Protection Orders to five years<sup>156</sup>
- expanding the scope of Police Protection Notices.<sup>157</sup>

Further changes included that the QPS developed and implemented a strategy to increase criminal prosecution of perpetrators of domestic and family violence through enhanced investigative and evidence-gathering methodologies.<sup>158</sup>

Notably, the Special Taskforce on Domestic and Family Violence (2015) did not give in-depth consideration to the potential adverse impact of its recommendations on First Nations peoples and communities. Instead, it primarily focused on First Nations peoples residing in discrete First Nations communities and their experiences.

Its recommendations were tailored accordingly and included:

- development of a place-based, culturally appropriate integrated response to domestic and family violence<sup>159</sup>
- development and support of an effective local authority model to respond to crime and violence in communities<sup>160</sup>
- training for specialised circuit magistrates to be used in areas where a specialist court was not feasible (e.g. rural and remote areas).<sup>161</sup>

Since the release of the Special Taskforce's Final Report, the Domestic and Family Violence Death Review and Advisory Board (the Board) and coroners have raised concerns about QPS responses to domestic and family violence involving First Nations peoples, in respect of death reviews that showed:

- the devastating consequences for First Nations women identified as respondents and prosecuted for the use of resistive violence<sup>162</sup>
- limited investigation of complaints and a tendency for police to take no action when parties were intoxicated, even with reliable witnesses<sup>163</sup>
- inconsistent pursuits of criminal charges and reliance on Protection Orders, despite extremely violent behaviour by the perpetrator<sup>164</sup>
- limited risk assessments and responses to calls for service, and delays in the service of orders which prevented police from charging timely breaches<sup>165</sup>
- failure of police to identify Aboriginal and Torres Strait Islander status resulting in a lack of referrals to culturally safe supports.<sup>166</sup>

The Board has also found that in some cases police and other services focused on single acts of violence and did not consider the ongoing patterns of control present in a relationship, and consequently failed to take appropriate action to mitigate risks for victim-survivors.<sup>167</sup>

In its submissions to the Commission, the QPS acknowledged the issue of misidentification of victim-survivors.<sup>168</sup> Accordingly, the QPS has added training about misidentification to existing domestic and family violence training.<sup>169</sup> It has also amended QLITE to make it easier for QPS members to identify previous domestic and family violence history.

Misidentification was raised in multiple submissions to the Women's Safety and Justice Taskforce in 2021. While the Taskforce's report acknowledged concerns that further criminalising domestic and family violence and coercive control would exacerbate the over-representation of First Nations peoples in Queensland's criminal justice system,<sup>170</sup> it ultimately found that failing to strengthen the legislative response to domestic and family violence would not meaningfully address the overrepresentation of First Nations peoples in the criminal justice system.<sup>171</sup> Instead, direct action against the drivers of overrepresentation was needed as part of any legislative reform against coercive control.<sup>172</sup> The Taskforce identified racism and discrimination,<sup>173</sup> and the ongoing impacts of colonisation and intergenerational trauma, as key considerations in the rates of First Nations peoples subject to Protection Orders.<sup>174</sup>

The Women's Safety and Justice Taskforce recommended the establishment of a dedicated strategy for First Nations peoples in contact with the criminal justice system to address the issue of overrepresentation.<sup>175</sup> It also recommended strategies to increase community awareness of coercive control,<sup>176</sup> and investment in culturally safe and capable services that provide support and choice to First Nations peoples.<sup>177</sup>

## STAGES OF AN INVESTIGATION

This section specifically examines how police responses to domestic and family violence contribute to the overrepresentation of First Nations peoples in the criminal justice system. The analysis that follows builds on the understanding of colonisation, racism and the lack of cultural capability among police discussed in the previous chapters.

Contact with police at each stage of an investigation represents an opportunity to work towards achieving strong protective outcomes for victim-survivors and their children (see Figure 36). However as discussed in Part 1 of this Report, this contact can fall short of community expectations and at times be inadequate. This is especially so for First Nations peoples and communities.

## INITIAL REPORT

- First Nations women may avoid making a report of domestic and family violence to the QPS due to mistrust, previous negative experiences with police, the risk of child safety involvement, and fears of arrest and death in custody.
- This means that by the time First Nations women seek help from police it is likely they have endured abuse for an extended period of time and the violence has significantly escalated.
- Some victim-survivors reported that they do not feel heard or believed and that their experiences of violence are minimised by police. Some First Nations women feel they are treated differently because of their race.
- Negative experiences of reporting (such as dismissal, victim blaming or criminalisation) can lead to a reluctance by victim-survivors to call for help even when their safety is at immediate risk.

## THROUGHOUT AN INVESTIGATION

- There are significant community concerns that police use domestic and family violence laws and Protection Orders inappropriately for violence which is not intended to exert control over another (e.g. resistive violence).
- Police also have an incident-based response that does not consider the broader pattern of power and control in a relationship.
- Police may often be influenced by 'ideal victim' stereotypes. The use of resistive violence by First Nations women to protect themselves or others is often misinterpreted as them being aggressors, or it can result in the misconception that the violence is 'mutual'.
- Misidentifying power dynamics and the person most likely to use violence in the relationship can isolate victim-survivors, placing them at risk of systems abuse and impact their willingness to involve the police in the future.

## TAKING ACTION

- First Nations women are over-policed as police-assessed respondents and under-policed as victim-survivors.
- In some circumstances, police responses to First Nations peoples may be harsher or disproportionate to interventions for non-First Nations people. While individual situations vary, it is more likely that a call for service involving a First Nations person will result in a Police Protection Notice or an application for a Protection Order.
- Police may also apply for Protection Orders with onerous conditions which are impractical to comply with or they do not tailor orders to meaningfully enhance safety. This makes compliance difficult and increases the likelihood of contraventions.
- Police use of cross-applications or cross-orders may be indicative of a lack of understanding of the dynamics of domestic and family violence and a lack of cultural capability.

## COURT PROCEEDINGS

- Police can discourage parties from attending court with comments such as, *"you don't need to attend court"*.
- When applications for Protection Orders are heard without the parties present, the risk of contraventions increases. A greater understanding of an order, particularly one placing restrictions on contact and movement, decreases risks of unintentional breaches.
- When parties are not in court to hear about the conditions on a Protection Order, police officers must provide a full and clear explanation of the meaning of the order. This relies on an officer's cross-cultural communication skills.
- In locations where there is no permanent court, there can also be long periods of remand in custody for people awaiting court dates.
- At times, a defendant's decision to plead guilty to charges is influenced by long remand periods stemming from infrequent court sittings and an inability to obtain bail (because of a person's lack of housing, previous history etc).
- Many of these issues are compounded by a lack of funded legal representatives.

Figure 36: Summary of issues with the QPS response at different stages of a domestic and family violence related investigation

## INITIAL REPORT

The Commission heard that many First Nations women feel that police respond to them differently because of their race. Submissions and evidence received by the Commission reported that First Nations women are not believed, their disclosures of the violence they have experienced are minimised, or police misidentify them as perpetrators.<sup>178</sup> The North Queensland Women's Legal Service submitted to the Commission:

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**Women report being brushed off by police and made to feel foolish if they seek help.<sup>179</sup>**

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The Commission heard many examples of reports from First Nations women being minimised or dismissed, including the following examples provided by a QPS Intelligence Assessment of domestic and family violence in the Mount Isa District:

### CASE STUDY: YOLANDA'S EXPERIENCE

In February 2022, police attended a call for service where Richard, a First Nations man, was seen yelling and screaming at his partner Yolanda, a First Nations woman, before punching her in the face. Richard attempted to punch Yolanda a second time, but she had moved, resulting in Richard punching the wall instead. When police arrived, Richard told them he had been upset because he believed Yolanda was cheating on him. Richard admitted to punching Yolanda and attempting to punch her again. The police logged this event as "DV-Other Action" and the officer stated there was insufficient evidence for a Protection Order or to charge Richard with a criminal offence. The officer did not request any scenes of crime photographs for the damage or Yolanda's injuries and did not take a statement from Yolanda or any witnesses. The officer also did not request ambulance assistance or offer to transport Yolanda to hospital for medical treatment.<sup>180</sup>

### CASE STUDY: LISA'S EXPERIENCE

In March 2022, First Nations woman Lisa received text messages from her ex-partner Michael threatening her. Lisa felt these were serious, and plausible, so she reported them to police. Police recorded this as "DV-Other Action" because the threats were made by phone and not in person, and there had been no other recorded physical violence or property damage. There is no record of police attempting to speak with Michael to assess his ability to carry out any of the threats made.<sup>181</sup>

The Commission also heard that when First Nations victim-survivors did contact the police for help, they were frequently referred to as uncooperative or unwilling to work with police.<sup>182</sup>

First Nations victim-survivors often seek immediate protection from critical harm, while simultaneously mistrusting the police response, the consequences of a legal intervention, fear of death in custody and fear of child safety's involvement.<sup>183</sup>

The experience of victim-survivors not being heard or believed by police is not unique to First Nations women, however the Commission recognises that these issues are compounded for First Nations peoples experiencing domestic and family violence because of existing social and structural inequalities. The Queensland Sentencing Advisory Council reported in 2021 that underlying factors stemming from the impacts of colonisation, dispossession, genocide, racism and the large-scale removal of children all increase risks of both trauma and vulnerability to using or experiencing violent behaviour associated with trauma.<sup>184</sup> The report outlined that:

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**Situational factors created by being pushed to the margins of society such as unemployment, poor housing, and a lack of culturally appropriate social supports can also contribute to high levels of conflict and violence.<sup>185</sup>**

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In its submission to the Commission, the Institute for Collaborative Race Research said:

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**Aboriginal and Torres Strait Islander women 'are victimised at alarmingly high rates compared with the wider community'. This fact should elicit particular care and concern from the QPS for these women's experiences.<sup>186</sup>**

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The following case study from the Domestic and Family Violence Review and Advisory Board demonstrates the extreme consequences that can result when police fail to understand why First Nations peoples may delay contacting police:

### CASE STUDY: AMANDA'S EXPERIENCE

Amanda was a 39 year old First Nations woman, who lived with her partner John. John was convicted of manslaughter after Amanda died following a sustained physical assault. They had separated and reconciled multiple times over ten years and had most recently reconnected a few months prior to Amanda's death. John had also spent time in custody for multiple contraventions of a Protection Order made to keep Amanda safe and had Protection Orders against him from other relationships.



Police had responded to multiple domestic and family violence calls for service involving the couple. Two years prior to Amanda's death, John had held Amanda hostage over two days and assaulted her repeatedly, resulting in serious injuries.

On the afternoon of the homicide, Amanda and John had been drinking before John carried Amanda into their room. Amanda's Aunt, Cheryl, was also present. Cheryl overheard what sounded like John slapping Amanda and pushing her head into the wall repeatedly. Cheryl knocked on the bedroom door and called out for John to stop multiple times. John would not let her into the room to check on Amanda. Cheryl could hear Amanda calling out "oh leave me alone" and "I am sore". After several hours Cheryl decided to call the police as she still could not get into the room and Amanda was no longer calling out.

Cheryl phoned Policelink and told them that her niece was living with a man who had been violent in the past, and that he was now bashing Amanda's head against the wall and he had not let her in when she had asked him to stop, and that she herself was scared of him. Cheryl asked for someone to come and help quickly.

When Policelink connected the call for service to the Police Communications Operator, they described "*she's just reporting a domestic disturbance there in her unit, um her niece feels in danger with another male person.*" When connected, Cheryl told the operator that she did not know if Amanda was conscious as Amanda had been screaming out for help but had now stopped.

The police did not attend for a number of hours, and Amanda was dead when they arrived.

The State Coroner examined the police response at inquest. As part of the coronial investigation, the operator said she understood Cheryl's concern that Amanda may be unconscious, but that the noise Cheryl had heard could have been a fist on the wall, or some furniture, and not necessarily Amanda's head. The operator was also confused as to why Cheryl had waited so long to call the police if she really was concerned. The operator acknowledged she should have called an ambulance but did not think of it at the time as there was no confirmation Amanda was injured. The operator said that as the assault had been going on for so long that it almost appeared police were required to do a welfare check, rather than an urgent response.<sup>187</sup>

The Commission also heard concerns that police behave differently when responding to domestic and family violence in relationships where one person is First Nations and the other person is not.

The Commission was provided with the following case study from Sisters Inside and the Institute for Collaborative Race Research:

## CASE STUDY: WENDY'S EXPERIENCE

Wendy was a First Nations woman who was in a relationship with a non-First Nations man. Wendy told her support organisation "*The fighting got so bad that I started calling the police – in total 17 times. We both ended up taking out DVOs on each other. I would be the one who was taken away or ordered to leave every time the police came because it was his house. They would always chat to him like he was a mate and would always take his side of the story over mine. A constable once said to me 'if you don't stop making these calls, you'll end up in jail'*".<sup>188</sup>

As well as examples of under-policing domestic and family violence involving First Nations women, the Commission also heard evidence of the over-policing of First Nations victim-survivors.

### A NOTE ON OVER-POLICING AND UNDER-POLICING

While over-policing and under-policing may seem like contradictory terms this is not the case. Generally speaking, they refer to the differential actions that police may take when responding to First Nations peoples as victims or offenders.

**Over-policing** is a term used to describe police responses that are identified as discriminatory, unfair or oppressive, and that are not taken with non-First Nations peoples or communities. For example, this may include targeted operations in communities where there has been no call for service.

**Under-policing** is used to describe a lack of response by police which is identified as discriminatory, unfair or oppressive, and is not the approach taken with non-First Nations people or communities. This may include a failure to respond to multiple domestic and family violence related calls for service involving a First Nations person or First Nations peoples.

In relation to under-policing and over-policing of First Nations women, Dr Strakosch of the Institute for Collaborative Race Research explained:

**While it might seem like there's a contradiction between people talking about the lack of police response to domestic violence and then talking about the over-policing and the criminalisation of Indigenous women, there's actually not a contradiction in our understanding.**<sup>189</sup>

Dr Strakosch further described that these practices by police contribute to tension between communities and police and result in the differential treatment identified by victims of domestic and family violence. She said:

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**These under-policing and over-policing of particular types of experiences by Indigenous women all relate to the fact that their status as genuine victims is devalued. So, they are over-policed as perpetrators but they're under-policed as victims, and that is part of the violent structure.<sup>190</sup>**

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The Commission heard of police charging or threatening to charge First Nations victims-survivors with obstruction or assault of police where they either refused to assist with an investigation they did not want to proceed with or wanted to withdraw a complaint.<sup>191</sup>

Ms Toni Bell, Director of Family Law and Civil Justice Services at Legal Aid Queensland, provided an example to the Commission about experiences in the First Nations community of Woorabinda (a dry community):

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**Police will often charge a female aggrieved/ respondent to a cross-application with possession/consumption of alcohol which has the effect of deterring women from reporting [domestic and family violence]. Often consuming alcohol with the respondent is the safer option for these women.<sup>192</sup>**

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The submission from Dr Emma Buxton-Namisynek at the School of Law, Society and Criminology at the University of New South Wales highlighted a case example where the QPS intervened to rescue a First Nations victim-survivor held captive by an abusive man, but then arrested her on outstanding warrants.<sup>193</sup>

The Commission understands that the police hold a duty to uphold and enforce laws. However, when First Nations victim-survivors are dismissed or even criminalised when seeking police help, their mistrust in police is intensified, which can leave victim-survivors feeling abandoned and less likely to call for police assistance when their safety is at risk in the future.

The Aboriginal and Torres Strait Islander Women's Legal Service, North Queensland provided the Commission with the following example of the over-policing of a First Nations woman:

## **CASE STUDY: NANCY'S EXPERIENCE**

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Nancy, a First Nations woman, sought support from police following an assault by her partner. Nancy had been assaulted a number of times by her partner during their relationship, resulting in significant injuries, but had not previously called the police. On this occasion, Nancy's partner

had escalated to choking her until she struggled to breathe. When Nancy got away from him, she grabbed a knife from the kitchen, believing this would deter him from assaulting her again until the police arrived. Nancy did not threaten him with the knife or use it against him in any way. There is nothing to indicate police reviewed their records of Nancy's partner which showed an extensive history of violence against women. The police accepted his version of the events. Nancy was bleeding and had visible bruises to her body. Police did not interview any witnesses. The police arrested Nancy and applied for a Protection Order against her. This application was eventually withdrawn, and an order protecting Nancy was taken out. However, the experience of not being believed, dismissed, arrested, detained in police custody, and subjected to a lengthy court process by police was both traumatising and dehumanising for Nancy.<sup>194</sup>

Ms Andrea Kyle Sailor, a Community Development Worker with the Aboriginal and Torres Strait Islander Women's Legal Service North Queensland, spoke of the barriers created by police when First Nations women turn to police for assistance. She said:

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**Police election to close the station during business hours is increasingly becoming a frustration in community. For example, in June 2022, a young woman went to report a domestic violence incident. The police refused to open the door to take a statement and sent her away to report it to Police Link. This woman did not have credit on her phone and struggled with literacy, so reporting was a huge barrier once she was turned away for no reason. In the end, she abandoned the idea of reporting the violence, as she felt [it] was easier to risk going home to an unsafe environment instead of working with Palm Island police.**

**On the same day, a male attended the police station to make a report and was let in.**

**This experience of police picking and choosing when they respond based on the individual in front of them is further accentuating a mistrust in police.<sup>195</sup>**

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By the time First Nations victim-survivors do seek support from police it is highly likely they have endured abuse for an extended period of time and that the violence has escalated significantly.<sup>196</sup> As a result, police are often responding to First Nations victim-survivors at a crisis point, where there is an increased likelihood of resistive violence being used.

Poor police responses at this initial stage exacerbate the historical distrust of police and mean First Nations victim-survivors may not reach out again, or delay until they have no other option.

## DURING AN INVESTIGATION

Police have an obligation to respond to a report of domestic and family violence when it is made to them. It is critical that they take the necessary steps to gather sufficient evidence to inform the most appropriate actions to take, and who the person most in need of protection is.

The Commission heard concerns about the issue of police using domestic violence laws and Protection Orders for acts of violence and aggression which, on balance, are not acts of domestic and family violence.<sup>197</sup> This can result in people facing inappropriate interventions. As Dr Nancarrow told the Commission:

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**We have a problem where the situations that have nothing to do with power and control in relationships are being caught up in the [domestic and family violence] legislation, largely due to this problematic definition and a whole range of other cultural and practice issues.<sup>198</sup>**

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Police may take a formulaic approach in responding to domestic and family violence events where they only consider whether an act of violence has occurred and whether there is a relevant relationship.<sup>199</sup> This does not facilitate consideration of the patterns of power and control within the relationship, and which party poses the greatest risk of perpetrating future violence, or even if there is a risk at all. It also fails to consider acts of resistive violence, the role of trauma, and can result in misidentification of the person most in need of protection.<sup>200</sup>

As discussed in Part 3 of this Report, the Commission has found that this approach is influenced by cultural issues within the QPS, including that police feel burnt out and fatigued. The Commission heard that officers:

- feel increasing pressure when responding to domestic and family violence
- feel a sense of futility when responding to domestic and family violence and that their actions do not make a difference
- believe that domestic and family violence is not ‘real’ police work
- are afraid to make a mistake, which is contributing to a culture where officers are taking action to ‘cover their arse’ instead of undertaking a fulsome investigation.

### MISIDENTIFICATION AND THE ‘IDEAL VICTIM’

Multiple submissions received by the Commission raised concerns about the misidentification of women as respondents to Protection Orders, particularly where they had used resistive violence or do not present as an ‘ideal victim’. This represents instances of both:

- under-policing (where police do not take the necessary steps to identify the person most in need of protection) and
- over-policing (where police respond to a victim-survivor using resistive violence in a way which is contrary to the intention of domestic and family violence legislation).

The consequences of misidentification are particularly profound for First Nations women.<sup>201</sup> The Queensland Indigenous Family Violence Legal Service told the Commission that:

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**The misidentification of offenders occurs for a variety of reasons including lack of cultural awareness, lack of training and either negative stereotypes and/or negative views of the victim-survivor. At QIFVLS, we witness on a weekly basis situations where police have misidentified an offender through a failure to adequately investigate a report of violence, be it sexual or family violence that does not have a sexual component. On several occasions, it has been left to QIFVLS lawyers to undertake the investigative work and raise the clients’ circumstances in the Magistrates Court thus forcing a reconsideration of the client’s circumstances.<sup>202</sup>**

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Police misidentification of First Nations women as perpetrators of domestic and family violence is attributed to two key issues: stereotypes regarding victims, and the increased likelihood of First Nations women relying on resistive violence including use of a weapon to overcome disparities in physical strength.<sup>203</sup>

Stereotypes held by police that First Nations women are just as violent as men indicate an ongoing failure by police to understand women’s use of force, particularly in the context of prolonged victimisation experiences.<sup>204</sup> Without a nuanced understanding of the dynamics of domestic and family violence and key risk indicators, police will continue to assess domestic and family violence related calls for service as isolated events, thereby greatly elevating the risks of incorrectly identifying who is posing the risk and who is in need of protection.<sup>205</sup>

The incorrect identification of a victim-survivor as a respondent and the perpetrator as an aggrieved can elevate risk and isolate the victim-survivor from legal and crisis support pathways if they lose confidence that the police will accurately respond.<sup>206</sup> They may also face criminal charges and convictions associated with contraventions of Protection Orders when police respond to further episodes of violence and mis-assess the risks and dynamics.

The Commission received the following case example from the Institute for Collaborative Race Research which demonstrates the impact of misidentification:

## CASE STUDY: SAMANTHA'S EXPERIENCE

When Samantha, a First Nations woman, and her partner Bradley separated, Bradley returned to collect his property and physically assaulted her. He held Samantha against a wall with one hand around her throat and one arm across her body. Samantha's sister and another person were there, and her sister called the police. The police attended and supervised Bradley collecting his things but did not take any action to protect Samantha. The police told Samantha that it was all sorted and that Bradley was not pressing charges.

Samantha felt shocked and told the police that Bradley had attacked her, but the police dismissed her concerns and left. Two days later Bradley was still sending abusive text messages, and Samantha had developed visible bruises from the assault. Samantha went to the police station asking for the police to take out a Protection Order and charge Bradley for the assault. She showed the police officer the text messages, who told Samantha there was little she could do as the officers who had responded to the assault had listed her as the aggressor as Bradley had told them she had refused him access to the apartment, and that Samantha had been to prison.

The officer looked at Samantha's bruising on her neck and told Samantha that it was Bradley's word against hers and that Bradley had no criminal history. The officer told Samantha that if Bradley pressed charges it may affect Samantha's suspended sentence, and advised her they could not do anything further. Samantha decided she would never go back to the police for help again, despite the high risk Bradley posed to her, because the police had shown that they would not believe her.<sup>207</sup>

Police biases regarding victim-survivor presentation detrimentally impacts their capacity to assess First Nations women as victim-survivors.<sup>208</sup> As also discussed in Part 3, the Commission heard that stereotypes relating to the 'ideal victim' are founded in the belief that a victim-survivor will welcome police help, be passive, be submissive and want to leave the relationship.<sup>209</sup> The North Queensland Women's Legal Service explained:

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**When police attend at incidents [First Nations] women can be in a heightened state due to the violence just perpetrated against them, which is usually compounded by long histories of domestic violence. In this state, these women can remonstrate loudly with officers (be 'mouthy' when**

**expressing their frustration. [First Nations women] can also be argumentative in their interactions with officers if they have a distrust of police built from previous encounters. Nearly always, these women are long term sufferers of domestic violence and have fought back or have come to the end of their tether and lashed out in frustration, using a level of violence against their attacker.<sup>210</sup>**

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Dr Nancarrow also explained:

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**A lack of cooperation with police and resistance to police intervention is likely to be interpreted as a lack of 'victimhood'.<sup>211</sup>**

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In her expert report to the Commission, Professor Silke Meyer, School of Health Sciences and Social Work, Griffith Criminology Institute and Griffith Centre for Mental Health, Griffith University, confirmed the link between the misidentification of First Nations women and the stereotype of the 'ideal victim'. Professor Meyer gave evidence at a hearing that the policing of domestic and family violence among First Nations peoples in Queensland often appears to be marked by stereotypical police perceptions of an ideal victim:

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**Police responses to the experiences of marginalised women, including Aboriginal and Torres Strait Islander women continue to be marked by a lack of ability to identify the person most in need of protection once women do not present as vulnerable, articulate and compliant. It further suggests that police attitudes are shaped by persistent misconceptions that women using force 'give as good as they get' and do not require the same level of protection as women who present as vulnerable during police interaction. Finally, it highlights the lack of holistic and trauma informed police responses to victim survivors who present with complex needs and have often previously been failed by different service responses, including police, child protection, health (including mental health) and other service responses.<sup>212</sup>**

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The reluctance First Nations victim-survivors have to engage with police means that by the time police do become involved, the violence is likely to have significantly escalated.<sup>213</sup> Additionally, research indicates First Nations women are 34 times more likely to be hospitalised as a result of domestic and family violence than non-First Nations women.<sup>214</sup> Both these circumstances provide context to why First Nations women are more likely to have taken self-protection measures and used resistive violence as a protective strategy.<sup>215</sup> The violence they are experiencing is a direct threat to their safety and life.



Dr Nancarrow explained:

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Research has indicated that Aboriginal and Torres Strait Islander women are more likely to use weapons, resulting in injury to others. So again, I think [it's] contributing to the prevalence and the overrepresentation of First Nations people in the domestic violence statistics.<sup>216</sup>

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Dr Nancarrow also referenced her research into misidentification where she had interviewed a number of QPS officers, including a general duties officer who had made the following comment to her:

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I guess that comes back to the fact that we kind of have to look at a lot of incidents mostly in isolation. So, our legislation and our policy basically says that if we believe domestic violence has occurred, someone is a respondent and the aggrieved is in need of protection, then we must take further action in whatever form that is. So, we rock up and someone who was an aggrieved yesterday is a respondent today and has stabbed their partner or something like that. Well, I would suggest that DV's occurred and they're a respondent and the aggrieved is in need of protection otherwise they're going to get a knife in their back. So we do what we need to do.<sup>217</sup>

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This following case study from the Domestic and Family Violence Death Review and Advisory Board demonstrates the importance of police understanding the differences between violence used for power and control, and violence used to resist that control:

## CASE STUDY: ROSE'S EXPERIENCE

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Rose, a 21 year old First Nations woman, had been in a relationship with Dave, a 26 year old First Nations man, for four years. Police had attended a number of occurrences regarding Dave's use of physical violence against Rose, and a Protection Order was made to protect Rose. Police attended another incident a few months later where Dave had beaten Rose with a rock, broken her phone and continued to chase her as she ran away. Rose picked up a chair to defend herself and hit Dave so he would stop.

A year after the assault involving the rock, police attended a further episode of violence. Dave admitted to hitting and kicking Rose, before she had retaliated and hit Dave with a fork in the chest inflicting an injury which required attention. The police took out a Protection Order against Rose and not Dave. There was no indication that the officers reviewed the information available to them on QPRIME of the history of violence.

The police did not include any detail in their application paperwork of Dave hitting and kicking Rose. Dave assaulted Rose a number of other times, however Rose did not call the police again. Records showed that all further calls for service came from family and neighbours, potentially indicating a loss of trust in the police.<sup>218</sup>

North Queensland Women's Legal Service told the Commission of the experiences of many of their First Nations clients which demonstrate how the misidentification of First Nations women during a domestic violence investigation contributes to their overrepresentation in the criminal justice system:

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Routinely, [First Nations] women are not listened to and are treated insensitively by officers. They are treated like the problem and not as the vulnerable people they are. So many times, instead of trying to understand the situation and acting to de-escalate and protect these women, police wrongly assume that their use of violence should be categorised as domestic violence. This leads to police protection notices being issued, protection orders being sought, or First Nations women being arrested and charged with contravening orders or other domestic violence offences.

As it is with so many women, First Nations women often do not have the time, resources, reading and writing proficiency, confidence, or emotional energy to contest the making of an order and take a matter all the way to a hearing. We hear that the court process is simply too much to cope with, that there is no point – of course the police will win, that the need to find housing or to care for children is more pressing, or that mental health concerns make it impossible. The fallout is that protection orders are made in circumstances where victims are treated as perpetrators, and further police involvement results in charges that then criminalise these women for trying to survive subsequent incidents of domestic violence.<sup>219</sup>

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## TAKING ACTION

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As discussed in Part 1 of the Report, police can take a number of different steps when responding to a report of domestic and family violence. This includes making a referral to a support service, making an application for a Protection Order and/or pursuing criminal charges for a breach of an existing order or another domestic and family violence related offence.

### OVER-POLICING

While it is acknowledged that the circumstance of every case differs, the Commission heard evidence that police responses to First Nations peoples regarding domestic and family violence were often disproportionate to those involving non-First Nations people.

Micah Projects said that this distinction was particularly noticeable in their work with First Nations women who were in a relationship with a non-First Nations person:

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**If the perpetrator was Indigenous, the police would take firm action to protect the aggrieved, but if the perpetrator was non-Indigenous the police would deem the First Nations woman as the respondent and take action against her.<sup>220</sup>**

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Over-policing of First Nations peoples in relation to domestic and family violence is not limited to First Nations women misidentified as perpetrators. Over-policing also contributes to the overrepresentation of First Nations men within the criminal justice system.

An example of a First Nations man's experiences with over-policing in a remote community was shared with the Commission by a community organisation:

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**An example of a lack of discretion with respect to overcharging is a recent case where a defendant was found guilty after trial, the victim came onto police grounds to talk to the defendant, and the defendant told her that he had been sentenced to nine months. Despite the police effectively facilitating the contact and despite the man being under the control of officers in hand cuffs he was still charged with contravention of a domestic violence order for breaching no contact. Within a few hours the aggrieved had agreed in writing to allow contact which was an exception under the order placed on him minutes before he was charged with this offence.<sup>221</sup>**

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The Commission also heard evidence of police routinely patrolling parts of town where First Nations peoples live, or frequent, in ways that are not observed in other areas.<sup>222</sup> A community organisation told the Commission of the 'daily rounds' police made of the part of town where First Nations peoples were known to sleep rough, and through housing commission precincts.<sup>223</sup> The Commission was advised that these rounds were not made as a result of a call for service or a disturbance.

A Senior Constable from Mt Isa told the Commission of one location in Mount Isa known as the "riverbed" where this occurred. He stated that:

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**...it's a regular patrol in relation to I guess public order offences and liquor offences, and it's a public place, it's where a lot of our calls for service attend to. So we patrol it quite frequently to try and I guess fly the flag, speak to people as much as we can, preventing offences of public order and liquor offences. It's a fairly transient location, so we're often looking for wanted persons in and around the riverbed, and as a result of that we do speak to people, we do conduct name checks and discover that, yes, they're in contact with a person they shouldn't be in contact with.<sup>224</sup>**

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Concerns were raised with the Commission that these activities were targeted at First Nations peoples, and contributed to the criminalisation of vulnerable people, without housing, who have limited options of places they can sleep at night.<sup>225</sup>

The QPS submitted to the Commission that particular areas can present significant public safety and health concerns and the policing response, as described above, can be a targeted and strategic response to those concerns.<sup>226</sup> While the Commission acknowledges this can be a legitimate police strategy, and one that is not only applied in areas with high populations of First Nations peoples, it is important to ensure that this targeted response remains reasonable and proportionate and does not unnecessarily contribute to the overrepresentation of First Nations people in the criminal justice system. As outlined by the Institute for Collaborative Race Research:

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**... Aboriginal and Torres Strait Islander victims experience the QPS not as protector but perpetrator. The QPS routinely racially stereotypes these women as criminal and dysfunctional. Rather than being protected from existing violence, they are subjected to new forms of racial violence at the hands of the state – via police assault, charges, stereotyping, disregard, incarceration, and child removal. Naming victims as perpetrators is a form of violence in itself, which directly violates and delegitimises women already suffering harm from [domestic and family violence]...**

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**... for many women, reporting violent crimes does not keep them safe. Police do not prevent violence against women; rather, they become involved after the violence has happened, and then, too often, exacerbate its harmful effects.<sup>227</sup>**

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It is against this backdrop that the Institute for Collaborative Race Research urged a decrease of the authority and resources of the QPS:

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**Addressing superficial issues of police ‘culture’ will not change their status as perpetrators of violence. Instead, as the Australian Government domestic violence campaign states, we must ‘Stop It At The Start’ and defund the police in relation to [domestic and family violence].<sup>228</sup>**

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The proposition to ‘defund the police’ is generally recognised as the redirection of funds from police to social support community-based programs and services to address the root causes of crime.<sup>229</sup> It stems from “*concerns about both unchecked police violence and growing social inequality*”.<sup>230</sup>

Ms Thelma Schwartz, Principal Legal Officer of the Queensland Indigenous Family Violence Legal Service, also told the Commission:

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**For too long investment has targeted let’s say the correctional response. So you’re at the tertiary end. So once a defendant has passed through the criminal legal system, is processed through the criminal system, and then he’s sentenced. So, there is a lot of focus on our correctional services. But what is lacking with respect is the early intervention right up front, before people actually enter the system. Why aren’t we actually looking at that and addressing the underlying reasons why people come into contact with the criminal legal system in the first place; i.e. housing, poverty.<sup>231</sup>**

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The Commission recognises that police cannot be viewed as the only solution for reducing domestic and family violence, and that investments in policing so far have not consistently produced a response that meets the expectations and safety needs of the community, particularly for First Nations peoples. More diverse investment, particularly in the amplification of First Nations voices and involvement, is necessary.

However, other First Nations voices spoke to the Commission about the need for police to play a more active role in the community. For example, the Commission heard from police and service providers on Mornington Island who spoke of community members wanting greater police presence on the island and raised concerns that community safety can be jeopardised without a 24-hour police station.<sup>232</sup> Queensland is a large and decentralised state, which means that there are some regions with no police station at all. Ms Schwartz explained:

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**Some regions that we service don’t have, like, a police station actually in the region. For example, I believe it’s Mapoon, which is outside of Weipa. Police will travel from Weipa, which is a couple of hours away, to get to Mapoon. Now, that’s accessible very well during the dry season.**

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**However, when the wet season comes that’s inaccessible. So we’ve seen that the lack of an actual police presence can cause problems, especially if people are wanting to actually make – call police.<sup>233</sup>**

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Another significant challenge faced in remote areas is the operating hours of police stations. Most remote police stations do not operate on a 24-hour basis, and some stations are staffed by only one or two officers. In more isolated remote areas, such as certain areas in the Torres Strait, sworn officers do not maintain a permanent presence and Police Liaison Officers are called upon to fill that gap. While there may be less continual demand for police services in smaller communities even with on-call options available, limited station operating hours contributes to risk for people in remote communities in urgent circumstances outside the staffed times.

Ms Kyle Sailor told the Commission of the limited operating hours of the police station on Palm Island:<sup>234</sup>

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**Normally it’s [the police station on Palm Island] open nine to four I think. It’s closed every day from 12 to one because the receptionist goes to lunch, so it’s not manned by anybody else, it’s not left open. The receptionist is a local. So, if she’s sick nobody is to replace her. If she’s on sorry business, which she was in April this year for a week, the station was closed for the entire week.<sup>235</sup>**

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**...So after hours the police station is not open. So the woman has to either ring Triple O, because the police station is not manned, so if you ring the local number for the police station it’s not going to answer. So you have to ring Triple O. Then or alternatively you have to get online and go to Policelink. The week when the police station was closed the – actually I think there was a notice on the door, yes, there was, saying, “Contact Policelink.”<sup>236</sup>**

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Striking the balance between the role of the police service and the role of organisations that, properly funded, can address domestic and family violence in meaningful ways, is not an easy task.

Even though police responses may not always meet community expectations, the Commission recognises the critical role that they play in protecting victim-survivors of domestic and family violence and holding perpetrators to account. This is particularly the case in many rural and remote communities in Queensland where the police may be the only service that is based in communities seven days a week and available to respond when people experience domestic and family violence.

In recognition of this, the Commission does not make a recommendation to divert funding from the QPS. The Commission encourages the QPS to continue to enhance their understanding of and responses to domestic and family violence, and work collaboratively with communities and support agencies to best meet community needs and expectations.

The QPS and QPUE both recognise this need for a whole-of-community approach for responding to domestic and family violence. The QPS noted in its submissions to the Commission that, “*police cannot do this work alone, and a collaborative response with community groups, the social service sector and other government agencies is essential.*”<sup>237</sup> The QPUE, in its final submissions to the Commission, recognised the need for collaborative approaches to domestic and family violence, particularly in rural and remote communities, such as co-responder models and more support services to assist police in engaging with First Nations people.<sup>238</sup> This is discussed in more detail in the following chapter.

## IMPRACTICAL OR OVERLY ONEROUS CONDITIONS

In considering the issue of overrepresentation, the Commission does not seek to minimise the seriousness of any breach of a Protection Order. As discussed in Part 1 of this report, contraventions of a Protection Order should not be regarded as a ‘technical breach’. While these types of breaches may seem relatively minor, a failure to take appropriate action by police does not recognise:

- the episodic patterns of abuse exerted by a perpetrator to maintain power and control within a relationship
- the danger it represents to victim-survivors and the potential for any escalation in abuse to be missed
- the need for timely action to ensure that perpetrators are held to account when a breach occurs.

However, issues arise when Protection Orders include impractical or overly onerous conditions which do not reflect the needs of the parties.

For example, throughout its inquiry, the Commission identified a consistent theme of conditions that prohibit contact between a respondent and an aggrieved being imposed in impractical situations. The most common examples were non-contact orders being placed on two people who will have ongoing contact due to a continuing relationship, parenting or care arrangements, or because of the practicalities of living in a small community.

Such conditions can lead to unintentional contraventions of the Protection Order, which in turn contributes to the overrepresentation of First Nations peoples in the criminal justice system. The Aboriginal and Torres Strait Islander Women’s Legal Service explained:

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**Where infrastructure is poorly developed within a community, women with children face additional difficulties in attempting to raise children single handedly. For First Nations women, cognisant of the trauma of family separation and the impact of inter-generational trauma, there is often a strong family ethic and a fear that they do not want their children to grow up without a father or struggling in a single-parent household. Hence, domestic violence is not necessarily a reason to end a relationship with a partner. *The mantra that is heard time and again is to the effect that “I don’t want the relationship to end. I just want to stop the violence.”***<sup>239</sup>

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In small or isolated communities conditions requiring that a respondent have no contact with, or not come within 100 metres of, an aggrieved will often, practically speaking, be impossible to comply with. This is particularly the case where accommodation is limited, and families live with each other or in very close proximity to each other. The Aboriginal and Torres Strait Islander Women’s Legal Services North Queensland told the Commission that:

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**The community [Palm Island] is tight-knit and highly interrelated, and bonds of kinship and social relationships are important and valued. Social life and community events almost inevitably bring parties to a Protection Order into contact with each other, making it difficult to avoid breaching an order with ‘no contact’ conditions, even if acting in good faith. In such circumstances, community values and the limited infrastructure including housing, a police response to domestic violence that focuses on arrests, criminalisation, court processes and incarceration is not a response that takes into account the sociocultural dynamics on the island.**<sup>240</sup>

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The problems associated with no contact conditions in First Nations communities were also recognised by QPS members who spoke to the Commission. As Sergeant Costelloe explained:

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**Most of our breaches in Cunnamulla are made up of non-contact/non-attendance and good behaviour breaches; however, in my opinion some of the “non-contact” conditions is not necessarily workable in those smaller First Nations communities, simply because of the size of the community and the unique nuances of First Nations family relationships.**<sup>241</sup>

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In a similar vein, Acting Senior Constable Bateman gave the following example:

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**Two First Nations siblings with a no contact order in place. Due to social dynamics and poverty, you will find First Nations people will become nomadic and move between family’s homes on a regular basis (couch surfing). Within smaller communities it is inevitable siblings will cross paths (hence a breach of their domestic and family violence order).**<sup>242</sup>

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The Commission recognises that police face a difficult balancing act. As a Protection Order is intended to enhance an aggrieved’s safety, consideration must be given as to whether one is required, and how the order will operate.

This is no easy task. Police must have an adequate knowledge and understanding to be able to accurately assess the domestic and family violence dynamics at a point of crisis and determine the best course of action to protect victim-survivors. Their decisions can be better informed by questioning an aggrieved and respondent about housing, finances and co-parenting arrangements.

This information enables police to seek the most appropriate Protection Order conditions for the known risks and provide more relevant referrals. This reduces the risk of breaches occurring because of impractical Protection Order conditions.

The complexity and nuance involved in assessing the balance between safety and practicality demonstrates the need for relevant and contemporary training for all frontline officers. Officers must understand the potential consequences of restrictive conditions, and the impact of Protection Orders on parenting arrangements, housing and community interactions, and how conditions can best operate to enhance victim-survivor safety.

Officers must be able to obtain all this relevant information and convey complex legal information and the implications of Protection Orders to both parties. This requires strong community relationships and skills in cross-cultural communication.

The Commission makes a recommendation for the QPS to strengthen its domestic and family violence training to account for the unique experiences of First Nations peoples and communities at the end of this chapter.

The imposition of onerous or impractical conditions is compounded by the statutory presumption that a Protection Order will be in place for five years, unless the Magistrate is satisfied there are reasons for a shorter duration.<sup>243</sup> In the Commission's view, a five year order may not always be appropriate, depending on a range of situational, relational and social factors. Discretion must always be exercised to reflect the genuine needs of the person in need of protection. The Commission makes a recommendation to amend section 97 of the DFVPA to clarify the Court's discretion in this regard.

There is an increased risk of breaching offences when a respondent is subject to multiple Protection Orders over longer periods of time, coupled with extensive conditions and practical difficulties with compliance. For this reason, police must carefully consider whether the breaches are an indication of risk or, as Acting Senior Constable Bateman identified above, whether they are merely the consequence of life in a small community without signifying any risk.<sup>244</sup>

Contraventions lead to charges before the courts, where First Nations peoples face additional barriers in accessing bail and securing funded legal assistance. This is particularly the case in rural and remote communities where there are few legal practitioners available and those that are available, may have previously acted for the other party. Breaches of Protection Orders can also have significant ramifications for people who are on parole, such as a return to prison.

## COURT PROCEEDINGS

### BARRIERS WHICH LIMIT ACCESS TO JUSTICE

Many First Nations peoples who are subject to, or protected by, Protection Orders experience barriers which limit their access to and ability to engage in the legal processes that determine whether an order is made, or the conditions attached to the order. This is not an issue that is exclusively experienced by First Nations peoples, however evidence before the Commission showed that these barriers disproportionately affect First Nations peoples, particularly in remote and rural Queensland.

These barriers to justice were reported to the Commission by Community Justice Groups, community and legal organisations and QPS members, particularly police prosecutors.

The Commission was impressed with the dedication of the police prosecutors who gave evidence before the Commission. The workload of police prosecutors, particularly when attending circuit courts which service remote communities, is enormous.

As discussed earlier, it is troubling that police sometimes tell aggrieveds and respondents that they do not have to attend court. This is particularly concerning in remote communities where Protection Order conditions may be onerous or impractical and not enhance safety. When parties are not encouraged to engage in the legal process, orders may be made in their absence. As Mr Karl McKenzie, Chairperson for the Townsville Justice Group, explained:

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**... The biggest issue we have with our clients is they report to us – now, this isn't a criticism of the police. It's simply human nature. They'll say, "Do I have to go to court," and the police will say, "Well, no, you don't, but" – and everything after the "but" is gone. So it's the "no, I don't", that's locked in, and that's the real issue.**

**We're talking with police can we change that narrative to say something along the lines of, "It's in your best interests to attend court. You should be at court because the order will be made even if you're not present," and those sort of things. But the second you say "no" it's, you know – they lock into the "no".<sup>245</sup>**

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Non-attendance at court also results in parties missing the opportunity to obtain access to legal advice and wrap-around support services. Ms Bell explained to the Commission why this practice was problematic:

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**...the other problem is that police quite often tell victims and perpetrators that they don't need to attend court when the matters are mentioned if they do take out an order, and that means that victims and perpetrators aren't given legal advice not only about the domestic violence issue-**

**...but also, about any other family or child protection ancillary issues to enable them to access those services to be able to engage in safety planning to obtain housing, to pre-emptively get assistance to be able to sort out any issues that the Department of Child Safety might identify as any issues prior to taking an application, and that practice of not encouraging parties to attend court means that they're missing out.<sup>246</sup>**

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While applications can be heard in the absence of both or either party, when parties do not attend court there is no opportunity for the prosecutor to speak to the victim-survivor to determine the necessary conditions for the order, or to negotiate a suitable outcome with the perpetrator. This increases the risk of Protection Order conditions being inappropriate or overly onerous and can lead to unintended or avoidable breaching offences.

Additionally, when a respondent is not present at court they miss a valuable opportunity to gain a clear understanding of the restrictions placed on them. Without this there is also a risk of unintended or avoidable breaching offences. As Mr McKenzie said:

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**The most important piece of feedback about the response by QPS to domestic and family violence would be in relation to the service of orders. In Townsville it is common for people not to attend court when an application is being made, particularly where this is male responders. A major contributor to this issue occurs during service of the applications when respondents (and applicants) ask whether they need to attend court.**

**(a) We have had feedback from client that they have been told by QPS that “they don’t have to attend court.”**

**(b) If respondents are not present in court it is likely they will receive an order with conditions which do not suit the family unit or are not appropriate in the circumstances.**

**Further to this issue, respondents often do not understand the orders they receive or the seriousness of a breach, leading to overcharging and the risk of incarceration.<sup>247</sup>**

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Mr Lewis Shillito, Director of Criminal Law at the Aboriginal and Torres Strait Islander Legal Service (Qld) (ATSILS), also told the Commission about how the discouraging of engagement in legal processes can lead to increased risks of breaching that order for First Nations clients – a practice he observed as more prevalent in rural and remote areas:<sup>248</sup>

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**It’s a fairly commonly reported phenomena. A lot of our clients will say, “Well, the officer told me I don’t need to come, so I just never bothered, and here I am with a breach of that order”.<sup>249</sup>**

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When a Protection Order is made in the absence of the parties, it falls to the police officers who serve the respondent with an order to explain the effect of the order and any conditions.<sup>250</sup> A police officer’s ability to provide a full explanation of the meaning of an order will depend upon their cross-cultural communication skills. Dr Nancarrow outlined the following example in her evidence before the Commission:

## CASE STUDY: JESSICA’S EXPERIENCE

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Police attended a park following a disturbance captured on CCTV. Bruce and Jessica, both First Nations people, were yelling, making threats to each other and throwing punches at each other. Only days beforehand, a police Domestic Violence Order had been made against both parties, so they were both charged with breaches of the order. Jessica told the police she was not aware of the order, and did not go to court for it, but she did recall being given some papers about domestic violence which she had assumed were for her protection.<sup>251</sup>

The Commission heard that even when parties in domestic and family violence matters attend Court, there can be significant barriers for First Nations peoples to gain access to and have genuine engagement in the relevant legal processes.

One concern is the tension between law enforcement and the protective aim of domestic violence legislation. A police prosecutor, Senior Sergeant Lisa Buchanan, told the Commission that as a police prosecutor she is “*first and foremost a police officer in a police uniform*”.<sup>252</sup> She said:

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**I’m speaking to an aggrieved, for instance, where I may have sentenced or sought some sentencing options in relation to a criminal offence that’s not domestic violence related. So that can present some difficulties as well where I’ve been the person that’s said, “This is the punishment that needs to be imposed,” and then 20 minutes later I’m representing the aggrieved in a domestic violence application where I’m trying to get that rapport in terms of how can I best protect you when 20 minutes earlier I’m the person who said, “Well, you’ve done a bad thing. You need to be punished”.<sup>253</sup>**

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This tension is particularly challenging when there is only one police prosecutor at the courthouse.

The infrequency of circuit court sittings, the significant workload placed on police prosecutors and the lack of funded legal representation for respondents also negatively impacts the ability of First Nations peoples, particularly in remote Queensland, to meaningfully engage in relevant legal proceedings.

Senior Sergeant Buchanan reported that in remote communities a court might sit as infrequently as every three months, with a single police prosecutor responsible for all matters. These circuits can be extraordinarily busy. It would not be unusual for a prosecutor to be appearing in court all day.



With no assistance, this leaves little to no opportunity for prosecutors to have private and productive discussions with an aggrieved, or a respondent or their legal representative, about the basis for any application for a Protection Order and the appropriateness of conditions. Senior Sergeant Buchanan said:

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**It's not ideal and sometimes depending on the location there's no real privacy in order to really conference with the aggrieved in terms of explaining the police application, the orders that are being sought, whether or not those orders are still appropriate, whether they're seeking any variations to the order. Sometimes the only time I know about this is when the magistrate's asking the aggrieved in court. I'll go out there and call the matter on and as I'm walking in it's a quick conversation. If I can stand down a matter I will. But we're on time – especially in Coen we're there once every two months. I don't have time for a lot of discussion.**<sup>254</sup>

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The Commission heard that, in most communities, it is highly unlikely that a respondent to a Protection Order application will be legally represented. With only one solicitor available in most locations, they are generally funded by Legal Aid to appear on criminal matters, but not Protection Order applications.

Without legal representation, respondents to Protection Orders are likely to encounter difficulties navigating the legal system as it relates to domestic and family violence matters. A QPS Sergeant who spoke to the Commission advised that the conditions on Protection Orders can be so complex that even he *"sometimes struggle[d] to interpret what the meaning is behind them"*.<sup>255</sup>

Senior Sergeant Buchanan told the Commission of her personal practice of explaining the basis of the application and the conditions sought, as well as a respondent's options (for example, to consent to or oppose an order being made) on the record in the courtroom so that she can be corrected by the Magistrate if her explanation is not clear.<sup>256</sup>

Such a practice is commendable, but as the following example given by Acting Inspector Emma Reilly, former Officer in Charge of Mornington Island Police Station, demonstrates, it does not ensure an understanding of the extent of the orders:

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**I remember being in court and a defendant was being spoken to by the magistrate, and I just remember he told the magistrate he understood everything, and then as I was walking him back into the cells and just chatting to him he just said, "Ms, I don't understand what just happened."**<sup>257</sup>

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Senior Sergeant Buchanan explained that, in some communities, English is not the primary spoken language. The importance of police using interpreters and having skills in cross-cultural communication is discussed in previous chapters of this Report and is equally applicable for First Nations peoples. However, while interpreter services exist, practical access can be problematic.<sup>258</sup>

Senior Sergeant Buchanan also recognised the important role of a Community Justice Group in assisting a

respondent to understand the effect of the Protection Order and any conditions. Community Justice Groups are non-government organisations that provide practical support to First Nations people coming into contact with Queensland Courts and the criminal justice system. They are run by members of local First Nations communities who work cooperatively with magistrates, police, corrective services personnel and staff from other government agencies and community organisations to deliver justice related services in their community. Senior Sergeant Buchanan explained that on circuit, when there is no legal representation for both parties, the Community Justice Group will assist and explain the effect of Protection Order to ensure that respondent understands.<sup>259</sup>

A police initiative prioritising a clear understanding of Protection Orders is the Townsville based Operation Tango Yip, which began in September 2021 with the intention of mitigating the risks posed by high risk domestic and family violence offenders. Operation Tango Yip works with incarcerated respondents. Sergeant Elise Feltham told the Commission that the police recognised that too many respondents who breached Protection Orders lacked a clear understanding of the conditions imposed on them. To deal with that issue, police officers attend the Townsville Correctional Centre to meet with prisoners who are listed as respondents on orders. Sergeant Feltham explained:

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**So for basic things like no contact orders we give them examples of what no contact means, and no contact except in relation to written permission. We break that down for them and give them actual examples so they walk away understanding what they're allowed to do and what they're not allowed to do. We've found it very positive.**<sup>260</sup>

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The Commission hopes that the learnings from Operation Tango Yip will assist officers in providing respondents with a clear understanding of their responsibilities under a Protection Order at the point of service. This will enhance victim-survivors' safety, but also reduce the risks of custodial sentences for unintentional breaches.

The ability and willingness of police prosecutors to negotiate in relation to domestic and family matters can also be problematic. Mr McKenzie told the Commission:

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**Clients feel there is little to no consultation done with aggrieved parties about what they want, no explanation of balancing what they would like in the order with how they need to be protected, and they are not central to this process.**<sup>261</sup>

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Mr Shillito told the Commission of the challenges associated with negotiating with police prosecutions in relation to domestic and family violence matters. He gave evidence that negotiations were dependent on:

- the prosecutor assigned to the case
- the station or office dealing with the matter
- the relevant Officer in Charge, as their attitudes influence their staff.

He also told the Commission of routine resistance to meaningful negotiations and a preference of some

prosecutors to avoid making decisions but, rather, proceed to hearing to allow the court to decide the matter.<sup>262</sup>

The impacts of inflexible approaches by police to the negotiation and variation of conditions on First Nations peoples is illustrated in the following example given by Mr McKenzie:

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**An example where this has been problematic was when a female aggrieved attended court to attempt to get a variation of her DVO so that her male partner who was the respondent could attend the birth of their child that afternoon. This was not allowed by the prosecutor, the respondent attended to support her through the birth and was consequently arrested for this because there was a noncontact order in place, despite her efforts to have it varied.**<sup>263</sup>

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The Commission recognises that an officer's ability to engage in meaningful negotiations may be limited by matters beyond their control, including the lack of legal representation for respondents. Senior Sergeant Buchanan told the Commission that she had no experience of being contacted by an unrepresented respondent to discuss an application, though "*sometimes*" they might approach her at court.<sup>264</sup> Potentially significant discussions and negotiations about the suitability of the length and conditions of a Protection Order rarely occur due to workload pressures, and when they do, the available facilities in some remote communities make those discussions impracticable. Senior Sergeant Buchanan explained:

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**Coen isn't a court house. Coen is a room, a hall, a town hall. So there are no spare rooms and it's a case of trying to find some spare space if that's in the courtroom, which is not appropriate because that's where the magistrate is. So, you can't have those discussions. Outside may not be appropriate because there's no room to have those, and that's the problem with ATSILS taking instructions as well, is that there's no room. So, they're trying to take instructions where everyone else is present as well. I try to find the most private place that I can in order to have those discussions. In Kowanyama the police station is next door. It's a separate courthouse. There is probably some space in between the courthouse and the police station. But everybody else is around as well. So, it presents some difficulties.**<sup>265</sup>

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In recognition of these challenges, the Commission makes a recommendation at the end of this chapter that the QPS provide two prosecutors for circuit court attendances in rural and remote Queensland, in order to ease the workload and improve the capacity to negotiate in respect of domestic and family violence matters.

The ability to negotiate to ensure that the conditions of Protection Orders are fit for purpose and that they are adequately explained and understood by respondents in rural and remote communities will be improved if the Government funds legal representation for respondents in

these areas. The Commission makes a recommendation to this effect at the end of the chapter.

As recognised by Senior Sergeant Buchanan, Community Justice Groups can have an important role in ensuring that the legal processes are understood and that the length and conditions of any order are appropriate when respondents are not represented. Ms Cathy Pereira, Principal Solicitor and Coordinator of Aboriginal and Torres Strait Islander Women's Legal Service, described how a Community Justice Group can help identify appropriate conditions for a Protection Order:

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**Consulting with a community justice group about what's appropriate and what's not would make a huge difference, I think. In terms of there's this family – they would be able to give a lot of information.**<sup>266</sup>

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Ms Kyle Sailor expanded on the way in which Community Justice Groups can assist in this regard. She said:

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**If they called the DV support worker through the Community Justice Group, both of them, to go out to the incident and then relevant relationship would be solved, sort out – the locals would be able to tell the police, "They have been in a relationship for, you know, 40 years. They have got nine children. She's not going to leave him. They need contact. She needs assistance." That sort of stuff. So from that point then, okay, condition only or in writing for contact. So a lot of things can be resolved right from the incident.**<sup>267</sup>

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The Commission recognises the important role of Community Justice Groups in enhancing First Nations peoples' engagement in and understanding of the legal processes involved in domestic and family violence matters. Accordingly, the Commission makes a recommendation at the end of this chapter, that the Department of Justice and Attorney-General increase the support of, and funding for, Community Justice Groups.

The Commission also recommends that the QPS update the Operational Procedures Manual to require that police prosecutors consult with Community Justice Groups concerning the cultural appropriateness of the proposed length and conditions of Protection Orders.

## **BREACHES COMPOUND SYSTEMIC BARRIERS**

The overrepresentation of First Nations peoples outlined in this chapter is exacerbated by systemic issues such as challenges with being granted bail, non-disclosure of brief material by prosecution, delays in trial availability and difficulties for legal representatives in taking timely instructions.<sup>268</sup>

The systemic barriers experienced by First Nations peoples further disadvantage them in any risk assessment required for an application of bail, including less stable housing and employment. Given the issues with overrepresentation discussed throughout this Part, a First Nations applicant is more likely to have a history of committing criminal offences.

Data collected by the Queensland Sentencing Advisory Council in 2021 shows that breaching a bail undertaking by failing to appear at Court was the second most common offence committed by a First Nations person between 2005 and 2019.<sup>269</sup>

A legal representative from North Queensland described how these dynamics contribute to the overrepresentation of First Nations peoples in custody in this way:

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In my opinion around 90% of bail refusals and remand occurrences relate to domestic and family violence offending. Contravention of a domestic violence order places the accused in a show cause position. This essentially means there is no presumption for bail and operationally in the Magistrates Court means that bail will likely be refused even for very minor offending. Even if the defendant can show cause by offering a bail address out of town the defendants usually found to be an unacceptable risk and bail is denied.

Due to the small population and size of these communities it is extremely hard for a defendant to be granted bail within their own community when they await sentence or trial where there is risk of contact with aggrieved.<sup>270</sup>

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The Commission heard that the systemic barriers to obtaining bail result in First Nations peoples pleading guilty to offences in order to avoid a lengthy period of imprisonment while on remand.

A lawyer who made a confidential submission to the Commission explained:

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Currently as it stands many people are just pleading guilty due to the delay they face. This punishment by process leads to unfair remand times in my opinion...

There also seems to be a complete and deliberate ignorance of the human rights act with regard to criminal defendants and Indigenous persons in the criminal justice system.<sup>271</sup>

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An additional consequence arising from First Nations peoples pleading guilty in these circumstances is that each plea increases their criminal history, leading to more severe custodial sentences on each appearance before the Court.<sup>272</sup> As reported to the Commission in a confidential submission:

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This has flow on effects increasing criminal history and lead to more severe sentences on each occasion before the court.<sup>273</sup>

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The matters considered in this chapter illustrate the ‘significant pathway’<sup>274</sup> to the criminal justice system created by domestic and family violence legislation. The next chapter considers how domestic and family violence responses can be strengthened when they are led by community organisations in partnership with the QPS.

## FINDINGS

- First Nations peoples are both over-policed and under-policed in the context of domestic and family violence. These practices, combined with an increased focus on policing domestic and family violence, have contributed to the overrepresentation of First Nations peoples in the criminal justice system.
- Common police practices, attitudes and beliefs particularly disadvantage First Nations women, who may be misidentified as the perpetrator of domestic and family violence and/or may not be identified as a victim-survivor of domestic and family violence.
- These common police practices, attitudes and beliefs may be the consequence of a lack of cultural capability and understanding. They have an impact at each stage of an investigation – from an initial report to court proceedings.
- Protection Orders that are not tailored to the needs of the specific relationship can become counter-productive. Impractical or unnecessarily onerous conditions, and conditions which are not properly understood by the parties (either because of complex language, or because the parties were not involved in the legal process which saw the conditions being imposed), are more likely to lead to a criminal justice response (an offence of breaching a Protection Order).

- A court's knowledge of the needs of a relationship, and a party's knowledge of a Protection Order's conditions as well as the consequences of non-compliance, is essential. Community Justice Groups can potentially play an important role in drafting the conditions of an appropriate Protection Order and in ensuring the parties understand its impacts.
- Inadequate access to legal representation and assistance is more prevalent in regional and remote communities. This compounds the systemic disadvantages faced by First Nations people who live in these communities.
- The QPS plays a critical role in protecting victim-survivors and holding perpetrators of domestic and family violence to account. The QPS has not always performed this role to a consistent and culturally-safe standard, which has particularly disadvantaged First Nations peoples. The QPS needs to work with community and support agencies to prevent and respond to domestic and family violence within a community.

## RECOMMENDATIONS

### Recommendation 49

Within 12 months, the Queensland Police Service improve its training in relation to domestic and family violence by strengthening programs to address the need for police to take into account the unique experiences of First Nations peoples and communities when responding to domestic and family violence, including considerations relevant to misidentification of victims and how to communicate with First Nations peoples and communities to ensure that the conditions of Protection Orders are both appropriate to the circumstances and clearly understood by the parties.

### Recommendation 50

Within 12 months, the Queensland Government amend section 97 of the *Domestic and Family Violence Protection Act 2012* to clarify the Court's discretion to make orders of less than five years duration where circumstances require it.

### Recommendation 51

Within 12 months, the Queensland Government provide recurrent dedicated funding to provide legal representation at court for respondents in rural and remote communities.

### Recommendation 52

Within 12 months, the Department of Justice and the Attorney-General increase the support of, and funding for, Community Justice Groups, including by expanding the membership where appropriate.

### Recommendation 53

Within three months, the Queensland Police Service update their Operational Procedures Manual to require that police prosecutors consult with Community Justice Groups about the cultural appropriateness of the proposed length and conditions of domestic and family violence orders, where available and where appropriate.

### Recommendation 54

Within 12 months, the Queensland Police Service use its best endeavours to always provide two prosecutors for circuit court attendances in rural and remote Queensland to enhance their capacity to negotiate in respect of domestic and family violence matters.

# 15 Community-led partnerships

This chapter considers the importance of the Queensland Police Service (QPS) facilitating First Nations community-led responses to domestic and family violence. It also highlights the need for officers working with First Nations communities and peoples to be culturally intelligent, outlines the challenges police may face when relocating to a remote area and discusses how Police Liaison Officers build meaningful connections between communities and the QPS. The chapter concludes with a discussion of specific examples of police and community partnerships around Queensland that are working well.

The previous chapters in this Part have outlined how cultural issues within the QPS contribute to the overrepresentation of First Nations peoples within the criminal justice system. However, the Commission also heard about a number of successful community-led partnerships involving police that seek to enhance holistic and culturally safe responses to domestic and family violence.

The effectiveness of community-led initiatives was regularly reiterated to the Commission by experts, police and First Nations peoples and community organisations. As an example, Professor Silke Meyer, School of Health Sciences and Social Work, Griffith Criminology Institute and Griffith Centre for Mental Health, Griffith University, submitted:

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**Community-led responses are critical in ensuring police responses implement a predominant-aggressor framework and recognise First Nations women's protective needs.<sup>275</sup>**

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Community-centric policing recognises there are cultural, social, demographic and local governance differences between communities – even if the geographical distance is objectively small. A ‘one size fits all’ approach to policing ignores the nuances of a rich, multidimensional community, and risks creating or increasing inequities.

Community-centric policing in Queensland is not a new idea. In 1989, the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (the Fitzgerald Inquiry) spoke of “*the notion that community involvement is essential to successful police work*”.<sup>276</sup> In the QPS 2017-2021 Strategic Plan the QPS explicitly committed to partnering with communities to reduce crime and to address overrepresentation of First Nations people in the criminal justice system. This does not appear to have been widely taken up across the state, although some QPS officers have enthusiastically engaged in or commenced community-centric work demonstrating the possibilities

under such an approach. This commitment remains a stated priority in the QPS 2022-2026 Strategic Plan.

The Commission heard evidence of several collaborative community-led responses to domestic and family violence including partnerships between police, community Elders and leaders that work to identify local solutions to respond to local needs through a holistic approach.

The Commission also heard about different types of collaborative community response models to domestic and family violence including:

- informal gatherings or referrals between police and services
- coordinated interagency meetings on a regular basis
- models which are community-led, co-designed and incorporate a co-responder approach (after the initial crisis) to provide holistic and wrap-around support to the family.

When models are led by a community-controlled organisation, with police cooperation, the process has community input and ownership. This means that the results are more likely to be culturally appropriate, culturally safe and responsive to local and regional needs.<sup>277</sup>

As discussed in Part 2, the QPS response to domestic and family violence is significantly improved when it engages and partners with other agencies. The addition of specialised domestic and family violence and cultural knowledge is particularly beneficial for police responses when working with First Nations peoples and communities and can help to achieve better outcomes.

## THE IMPORTANCE OF COMMUNITY-LED RESPONSES

The Commission heard evidence from experts about the importance of community-led responses. One expert, Associate Professor Kyllie Cripps, School of Law, University of New South Wales, told the Commission:

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**...[The law] is a very blunt instrument in producing accountability.**

**But it can be backed up with community options in terms of producing further accountability and supports so that prevention options can be achieved locally through that holistic response.<sup>278</sup>**

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Community-led models involving collaboration with police are supported by those who work with First Nations peoples and communities. Ms Anita Wharton, a First Nations woman and the Coordinator of the Far West Indigenous Family Violence Service, told the Commission:

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**Over the past two year[s] the [Far Western Indigenous Family Violence Service] and [Strong Families Strong Communities] and the QPS have developed a really good working relationship. The police have a strong community approach to their police work and they spend a lot of time engaging with the community and running programs throughout the community.<sup>279</sup>**

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Acting Inspector Emma Reilly, the former Officer in Charge of Mornington Island Police Station also spoke of the importance of building community relationships. She said:

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**It's that working together with the community, in conjunction with the community, and building those relationships is how you move forward and get things done.<sup>280</sup>**

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First Nations community-led models are essential to addressing the historical and continuing distrust and fear of police that can be experienced by First Nations peoples. When police do not work to build relationships and trust with communities it can be a barrier for victim-survivors who seek assistance from police.

Associate Professor Marlene Longbottom of the School of Medical, Indigenous and Health Sciences at the University of Wollongong, said:

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**While there may be some community members who are comfortable to approach the police for protection or support, many of the community I have spoken to will not call upon the police.<sup>281</sup>**

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Ms Thelma Schwartz, Principal Legal Officer of the Queensland Indigenous Family Violence Legal Service, spoke of the importance of community-controlled organisations and their role in building relationships and trust:

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**I work with an Aboriginal community controlled organisation. I find that there is comfort that an Aboriginal or Torres Strait Islander person will feel engaging with an Aboriginal or Torres Strait Islander person. That may actually lead to just dealing with some of these issues around trust and connection with the Police Service as a service that can represent and support Aboriginal and Torres Strait Islander people's needs.<sup>282</sup>**

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Sergeant Matthew Costelloe, himself a First Nations man, understands this, and said in his evidence to the Commission:

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**Some police, not all, do not understand the complexities of First Nations relationships and may not know how to adequately investigate or ask the right questions around DFV in First Nations communities.<sup>283</sup>**

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Investing time and resources in community-led models will equip QPS members with the knowledge of culture and protocols that will assist in culturally intelligent responses to domestic and family violence.

## **UNDERSTANDING THE NEEDS OF RURAL AND REMOTE COMMUNITIES**

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While community-centric policing is relevant and beneficial across all Queensland cities, towns and communities, it is particularly critical for work in rural areas and remote communities. As recognised by the Australian Human Rights Commission in its 2020 report, *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future*:

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**It is important to acknowledge that Aboriginal and Torres Strait Islander societies are not homogenous. Within each group there exists a multitude of nations with unique languages, cultural practices and connections to lands and waters.<sup>284</sup>**

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## CULTURAL UNDERSTANDING AND RELATIONSHIP BUILDING

The Commission heard evidence about how important it is for new officers posted to a community to understand the community's history, the cultural practices and the relationships between community members and the QPS. This is best achieved through an induction package that is developed and delivered locally.<sup>285</sup>

Elder Aunty Florence Onus, Community Development Worker with the Aboriginal and Torres Strait Islander Women's Legal Service North Queensland, said:

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**There is a need for localised cultural competency training for QPS that is face-to-face, meaningful, ongoing, locally written, and locally delivered.<sup>286</sup>**

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Mr Brendan McMahon, a former Officer in Charge of Aurukun police station, explained that officers may show disrespect if they are not aware of a community's cultural practices:

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**It could be something as simple as when someone passes away quite often the area that that particular person would be in and use a lot, that may be closed. Now, quite often in Aurukun you would have pink tape put on it. It could be something as simple as a park bench that they always sat on.**

**Now, if you're a new constable, say, and you're off duty and you go and sit or even when you're working you go and sit in that place you won't really get much said to you but it's a sign of disrespect. So there's so many, many, many things like this that you need to know. So that first couple of weeks is really an orientation that's very important.<sup>287</sup>**

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The Commission also heard that a community induction should include meeting community Elders and other important stakeholders, such as domestic and family violence support services. Through prioritising relationships new police officers can work to develop trust and build a positive relationship with the community. Acting Inspector Reilly said:

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**The forming of relationships and trust within First Nations communities takes time and having this specific orientation for community is vital to jump start these relationships.<sup>288</sup>**

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The Commission was told of police districts where community inductions had been introduced with positive effects. Examples of local community inductions are outlined later in this chapter. Their key features are that they:

- are developed in consultation with the community
- contain community specific information

- include face-to-face education from community leaders, support services and legal assistance providers.

The QPS First Nations and Multicultural Affairs Unit has commenced collaborative work with community members and stakeholders to create profile videos for each discrete First Nations community.<sup>289</sup> The Commission has reviewed the trial video created for Woorabinda and considers that it has strong potential to assist new officers to learn about the community that they will be working in and provide a good foundational knowledge for connecting with the community.<sup>290</sup> However, a video introduction should only form one part of an induction, and face-to-face training from community leaders and service providers must also occur.

The QPS is yet to develop consistent processes to ensure all members posted to rural and remote locations receive a tailored introduction to the community.<sup>291</sup> Former Deputy Commissioner Paul Taylor acknowledged that this is an area where the QPS needed to *"do a lot better"*.<sup>292</sup>

Acting Inspector Reilly explained that she took the initiative to implement community inductions when she was the Officer in Charge of Mornington Island police station:

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**No, it's not a mandatory thing. I implemented it whilst I was there because I saw the need for it, and speaking to officers that had been there previously and saying that they probably didn't have the best inductions, it was something that we wanted to work on and build to make better, so be supportive of the officers that are coming there, especially a place like Mornington Island because it is so isolated, you know, you really need to give that support to those officers and provide them with the means to have a good time and get involved in the community while they're there.<sup>293</sup>**

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The QPS recognised in its closing submissions to the Commission that *"location specific culturally aware induction packages for staff deployed to remote and regional communities"* is an area for improvement and made a commitment to make those changes.<sup>294</sup>

The Commission commends the initiative taken by individual QPS officers to implement community specific inductions for their new staff. Their initiative should serve as a model for the QPS of the orientation and support that should be offered to all QPS members, particularly those posted to rural and remote Queensland, and the Commission makes a recommendation in this regard at the end of the chapter.

## STAFFING RURAL AND REMOTE POLICE STATIONS

The Commission heard that staff recruitment and retention in rural and remote areas is an ongoing challenge, and one which is not exclusive to the QPS. This leads to high staff turn-over and long periods of officers in relieving positions, which disrupts effective relationships between the police and community.

Officers sent to remote areas are usually away from their friends, family and the familiar comforts of bigger cities. This may result in feelings of isolation and fatigue and increase the risk of burnout.<sup>295</sup> Officers may also face limited, or very different, housing or accommodation options. Former Deputy Commissioner Taylor said:

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**That's an interesting thing that I observe with young people going into challenging discrete communities that have never experienced life other than, say, in an urban environment, where they might have gone to a private school and lived a – their parents are successful or whatever, it is a culture shock from what they're used to when they go into some communities because some of them can be quite challenging, and of course they don't have the luxuries that they might be used to...**<sup>296</sup>

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At present, incentives such as a 'locality allowance' are provided to QPS officers who relocate and remain in rural and remote stations, to assist with the increased cost of living.<sup>297</sup> The allowance is available to officers in remote areas and in some other locations and increases consecutively each year. However, more can be done by the QPS to encourage officers of all levels of experience to undertake rural and remote service. Women's Legal Service Queensland also recognised that better incentives should be provided to encourage qualified and experienced officers to move to and stay in the communities.<sup>298</sup>

A recent and positive development that might assist in this regard is the new Enterprise Bargaining Agreement between the QPS and the Queensland Police Union of Employees (QPUE), which is due to be certified in the near future. It includes some strategies to incentivise staffing in rural and remote areas, such as officers having the ability to nominate to transfer to a district of choice at the end of their tenure and accelerated pay point increases.

At the end of this chapter, the Commission also recommends that the QPS explores the feasibility of inter-departmental arrangements for partners of police officers posted to rural and remote communities who work in the public sector and wish to serve in the same community. It is anticipated that this should help to further encourage officers to relocate to rural and remote communities.

The experience of policing in remote areas is highly valuable. Remote policing requires officers to develop skills to respond to a wide range of issues in a short period of time. This experience cannot be replicated in an urban area. However, the Commission heard evidence that the skills and experience gained from rural and remote service were not always recognised in QPS promotional processes.<sup>299</sup> The Commission makes recommendations regarding appropriate recognition of remote service at the end of this chapter.

Acting Inspector Reilly highlighted that, despite the recruitment and retention issues, it is important that police recruited to remote communities are the right fit. She said:

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**Having the right people work in discrete communities is a must. Some people including police are not suited to this type of work, which hinders the relationships within the community and leads to higher sick leave and short staffing.**<sup>300</sup>

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It is an encouraging sign that the QPS has developed a practice of inviting members of discrete First Nations communities to sit on recruitment panels for local QPS vacancies. This practice was formalised by the QPS leadership in February 2022.<sup>301</sup>

Ms Andrea Kyle Sailor, Community Development Worker with the Aboriginal and Torres Strait Islander Women's Legal Service North Queensland, told the Commission that in 2021 she had been part of a panel conducting interviews for a Police Liaison Officer position at Palm Island.<sup>302</sup> Information provided to the Commission by the QPS revealed that other First Nations recruitment panel members since 2021 have included mayors and CEOs of local shire councils and a community Elder.<sup>303</sup>

Superintendent Kerry Johnson gave evidence that the QPS tries to make recruitment panels "*as diverse as possible*"<sup>304</sup>, and specifically:

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**... certainly the discrete communities there is always an Aboriginal and/or Torres Strait Islander person on those panels.**<sup>305</sup>

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Prioritising diversity on a recruitment panel, and specifically ensuring a First Nations community member has a seat at the table when police are recruiting in discrete First Nations communities, is a valuable practice which should continue.

Officers stationed in remote communities are often young and inexperienced and may have only recently finished their First Year Constable training.<sup>306</sup> Further, some have limited experience living rurally, and minimal experience working with First Nations peoples and communities.<sup>307</sup>

In these circumstances the need for cultural intelligence and appropriate cultural capacity training is even more critical. Superintendent Johnson told the Commission:

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**...it's very different to, you know, major centre living and so on, and the reality is, the number of the staff that we employ, recruits that go through may never have stood in a discrete community or had anything other than a pass in the street of a First Nations person. So it's absolutely imperative. It's absolutely necessary.**<sup>308</sup>

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The Commission heard that the high rotation of staff causes disruption to the relationships and trust built between police and the community.<sup>309</sup> When new officers arrive the relationship and trust must be re-established. Sergeant Costelloe said:

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**Certainly, when we get new staff into town where the community haven't had the opportunity to form those relationships with new staff there's that initial distrust or unwillingness to talk to that particular police officer because they don't know them. But the more time that you are here, I certainly don't think there's a level of distrust the longer that you stay here.**<sup>310</sup>

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Police officers who have worked in rural and remote Queensland told the Commission that it would be ideal to have a period of time which allowed a handover between officers. This would allow the new officer to be introduced to the Elders and community members by the incumbent officer and facilitate a smoother transfer of the relationship with the community. The handover would occur prior to the new officer being fully operational in the community.<sup>311</sup> The Commission makes a recommendation to establish a funded, non-operational period of at least three days for new officers in rural and remote communities to allow handovers and inductions to take place. In its closing submissions to the Commission, the QPUE supported this strategy.<sup>312</sup>

## THE IMPORTANCE OF POLICE LIAISON OFFICERS

Police Liaison Officers are utilised and valued differently throughout the state. The role can range from training to community engagement, attending call outs with first responder police, a liaison, translator, mediator, advisor, support worker, community connection and anything in between.

The Commission recognises the importance of role clarity and makes a recommendation at the end of this chapter for the QPS to review its Operational Procedures Manual to more accurately reflect the diverse work undertaken by Police Liaison Officers. While the responsibilities can vary, Police Liaison Officers play a critical role in building and maintaining community-led partnerships with the QPS.

Notwithstanding the evidence outlined earlier in this Part about the mistreatment of Police Liaison Officers in the QPS, a number of QPS officers who gave evidence before the Commission expressly recognised the important work of Police Liaison Officers within the QPS and the community. As Acting Inspector Reilly told the Commission:

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**The Police Liaison Officers role within community is vitally important to assist in developing trust and understanding between members and the community.<sup>313</sup>**

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The Commission heard examples of Police Liaison Officers acting as a form of co-responder in domestic and family violence matters. Ms Emma Wilson, a domestic and family violence advocate and embedded worker with the Brisbane Domestic Violence Service, told the Commission:

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**I've only seen it at VPU where the officers have tied in a PLO to come out and do a co-response as well as me, a PLO and the police officer there to engage in a really meaningful conversation to get all the information that's needed and desirable to make good judgments going forward. I've seen it happen. It works brilliantly.<sup>314</sup>**

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Acting Senior Constable Laurie Bateman, a former Police Liaison Officer, told the Commission that Police Liaison Officers can add immense value to police responses by providing vital cultural context to frontline officers who have limited understanding of the community they work in. He said:

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**It's an opportunity to have extra people on the ground talking to the local people of that community, then also talking to the police and giving an insight of what's happening within the community; not necessarily the job related incidents but just the feel of the community with the police or the feel of the police about the community.<sup>315</sup>**

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The Commission heard from Senior Police Liaison Officer Katrina Rapson, a First Nations woman who was born in Normanton and now works at the Normanton Police Station. She highlighted:

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**I am often called upon by the police officers in relation to questions they may have about family relationships within the community, or any concerns they have about housing issues and connections within the community generally. I regularly provide background information about family connections within the community so that the police have a better understanding of the relationships (both generally and specifically).<sup>316</sup>**

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The value that Police Liaison Officers can add to QPS responses to domestic and family violence is seen by more than just those who act in the role. For example, the Commission heard about the value of the role from Ms Schwartz, who said:

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**They identify, they come from communities. They can actually be there to support the work and initiatives of Queensland Police Service and build stronger relationships with community because they're living in community.<sup>317</sup>**

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Despite the importance of this role, many Police Liaison Officer positions remain vacant. As at 7 July 2022, of 181 Police Liaison Officer positions, 39 were unfilled. Of 38 Torres Strait Islander Police Liaison Officer positions, 17 were unfilled.<sup>318</sup> Former Deputy Commissioner Taylor informed the Commission that:

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**The successful filling of PLO positions can be problematic in some locations, whereby various recruitment methods have been attempted however there is no applicants and the positions remain vacant.<sup>319</sup>**

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Police Liaison Officers, including Torres Strait Island Police Liaison Officers who spoke with the Commission raised concerns about the entitlements and benefits of the role. They pointed to differences in, for example, the remuneration structure and accommodation entitlements when compared with sworn police officers.<sup>320</sup> In its closing submissions, the QPS advised that an Enterprise Bargaining Agreement has recently been renegotiated which included pay increases for Police Liaison Officers,<sup>321</sup> which is a positive development.

### **THE BARRIERS POLICE LIAISON OFFICERS FACE – HOSTILITY, TRAINING AND A LACK OF RESOURCES AND POWER**

Racism in the QPS is not the only barrier faced by Police Liaison Officers in attempting to enhance the QPS response to domestic and family violence and build community connections. In addition to the racism that Police Liaison Officers may face from inside the QPS, the Commission heard evidence that they can also experience hostility from their own community. Associate Professor Longbottom, gave evidence that:

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**They [PLOs] are in a very tricky situation. They're the bridge between the community and the system. So, they actually cop racism from the police and then they cop backlash from community for being part of the system.<sup>322</sup>**

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Elder Auntie Florence Onus, who has worked closely with police in different roles, told the Commission at a hearing in Townsville about the attitudes towards Police Liaison Officers that she had heard expressed by people within First Nations communities. She said:

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**They refer to the [Police Liaison Officer] or Aboriginal people in the police force as black trackers or the native police.<sup>323</sup>**

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A further barrier faced by Police Liaison Officers is the lack of ongoing training provided by the QPS. Police Liaison Officers who gave evidence to the Commission reported that they had no, or limited, face-to-face training since their two week induction at the Queensland Police Service Academy (Academy) in Brisbane.<sup>324</sup> They felt they needed more training, particularly in relation to domestic and family violence.<sup>325</sup> Senior Police Liaison Officer Rapson told the Commission:

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**I reckon it would be great to have more training so we could get exposed to domestic and family violence. When we have members coming up to me at least I could address some information...<sup>326</sup>**

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It is important that all Police Liaison Officers are appropriately trained so they can properly perform their role in the community, and further training, including in domestic and family violence, should be provided to all Police Liaison Officers.

In its closing submissions to the Commission, the QPS stated it is committed to the recruitment and training of Police Liaison Officers, particularly in relation to domestic and family violence matters.<sup>327</sup> The Commission supports this commitment by the QPS and makes a recommendation that it consult with the First Nations panel advising on cultural capability training in relation to the design and delivery of additional and ongoing training for Police Liaison Officers, including in relation to domestic and family violence, trauma-informed practice, conflict resolution and suicide prevention.

### **SPECIFIC CHALLENGES FOR POLICE LIAISON OFFICERS IN ISOLATED AREAS**

Police Liaison Officers perform a particularly important role in the most remote areas of Queensland. In the outer islands of the Torres Strait, Torres Strait Island Police Liaison Officers are the only permanent QPS presence in the community. They are often the first QPS response to domestic and family violence matters. There are concerns that these officers do not receive adequate training, are under-resourced, lack authority and are not remunerated fairly.<sup>328</sup>

As Torres Strait Island Police Liaison Officer Elsie Nona explained:

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**If any incident of any kind occurs on the Island, my role is to attend as a first response. I do not have any powers and I do not have any QPS issued accoutrements. I attend those jobs either on my own or with my other colleagues. We will immediately try to talk to those people involved in the incident and our [sic] ensure everyone involved is safe. That is our first and main priority.<sup>329</sup>**

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There is a degree of personal risk in circumstances where there is isolation and distance from other (sworn) policing support, particularly on outer islands where support may be, at best, 45 minutes<sup>330</sup> to two hours away,<sup>331</sup> but on some islands more than six hours away.<sup>332</sup> While the QPS has a plane, it cannot land at night.<sup>333</sup> The Commission recommends that the QPS examine how Torres Strait airfields might be upgraded to accommodate planes landing after dusk.

The primary mode of transport to and from the outer islands of the Torres Strait is by boat. Due to weather conditions and tides, access to the outer islands by sworn QPS officers can be temporarily impossible.<sup>334</sup> This isolation is different to the situation Police Liaison Officers generally face on the mainland, and can be particularly dangerous on the islands that lie on the international border with Papua New Guinea.<sup>335</sup>

The Commission heard about a situation where a Torres Strait Island Police Liaison Officer was travelling from Dauan Island to Boigu Island (near Papua New Guinea) when he came under gunfire from the Papua New Guinea coastline.<sup>336</sup>



The Commission also heard from Torres Strait Island Police Liaison Officer Nona of a particularly harrowing event that took place in late 2020. Ms Nona described being called on her personal mobile phone to attend a domestic and family violence matter. She explained:

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I recall a specific incident where myself and another Staff member were called to attend a DFV matter on the island. Upon attendance at the house, we could hear screaming, so we decided we needed to immediately enter the house. I approached a room in the house and when I entered, I saw a young woman and her infant child in the room. They appeared to be very scared and so I determined that I needed to get them out of the house.

I told my partner at the time to ensure that we were able to leave the residence safely and we all went back to the police station on the island. I had to lock the whole station to ensure the offender could not enter the station. Sometime later, he attended and was still screaming and calling us out of the station. We did not go.

**State police did not arrive for some hours – because of the time it takes to travel from Thursday Island to Badu Island. There was nothing we could do once we were inside the police station.<sup>337</sup>**

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As they waited “a few hours”<sup>338</sup> for QPS officers to arrive from Thursday Island:

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... a few hours later he actually came down to the station. He was yelling around the station. We knew that was him because we could see him and we could recognise his voice of course. But [my partner] was there and managed to go outside, because I had to keep the door locked, and just talk him down and just, you know, politely just ask him to, “Go away. This is the situation. She’s here with us now. She’s not coming out to speak to you. You’re just going to need to walk away and calm down, and maybe tomorrow’s another day.

The police are on their way and that they will come and talk to you eventually. So you’re going to need to settle yourself down.” He complied and he did. But, you know, that went on for about a good 15, 20 minutes.<sup>339</sup>

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A police response time of ‘a few hours’ for a domestic and family violence incident may be difficult to imagine for most Queenslanders. Detective Sergeant Anthony Moynihan accepted that it would never be appropriate for a woman to have to wait hours for a police response as a domestic and family violence incident was unfolding:

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**It’s completely unacceptable. I completely agree with you there. But, yes, these are the logistical challenges of where we live, the geographical challenges of where we are, I suppose.<sup>340</sup>**

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A number of Torres Strait Island Police Liaison Officers raised concerns about performing their dangerous and difficult role without adequate support from the QPS. A particular matter of concern was the lack of training provided to Police Liaison Officers. One Police Liaison Officer from the Torres Strait told the Commission that apart from her two week induction training at the Academy in Brisbane in 2009, she had received no additional formal training from the QPS,<sup>341</sup> and no training specific to Torres Strait Island Police Liaison Officers until a week long training course which commenced after the Commission had been established.<sup>342</sup>

A number of Torres Strait Island Police Liaison Officers told the Commission that additional police powers would assist them to keep both themselves and their communities safe.<sup>343</sup> These additional powers included the ability to provide noise abatement directions, to require identification, to give move on directions, to issue tickets for unlicensed driving, drink driving and traffic infringements and detention powers.<sup>344</sup>

Whether it is appropriate for further powers to be granted is an issue that warrants further consideration by the QPS, Police Liaison Officers in the relevant areas and relevant communities. There is some precedent for expanding the scope of powers granted to non-sworn QPS members: a previous iteration of Police Liaison Officers in the Torres Strait was a ‘Queensland Aboriginal and Torres Strait Islander Police Officer’. These officers had access to the QPS database QPRIME, and with respect to domestic and family violence specifically, they were empowered to make an application for a Protection Order and serve the parties with related documents.

In the isolated areas that have been identified, the Commission considers that Police Liaison Officers should be granted access to QPRIME and their own QLITE device. This access will allow Police Liaison Officers to review and enter relevant information, including ‘street checks’ about interactions between a person and the QPS, intelligence submissions which might provide essential information in relation to threats to safety, and driver license checks so a person’s identification can be verified. A recommendation to this effect is made at the conclusion of this chapter.

The Commission also recommends that, in areas where Police Liaison Officers are the only permanent QPS presence, the QPS consult with Police Liaison Officers and the First Nations community to explore the most suitable option for servicing the community either by installing sworn police officers, or by expanding Police Liaison Officer powers.

The Commission heard about the following positive initiative of the QPS on Palm Island, involving First Nations Protective Services Officers:

**PALM ISLAND PROTECTIVE SERVICES OFFICER TRIAL**

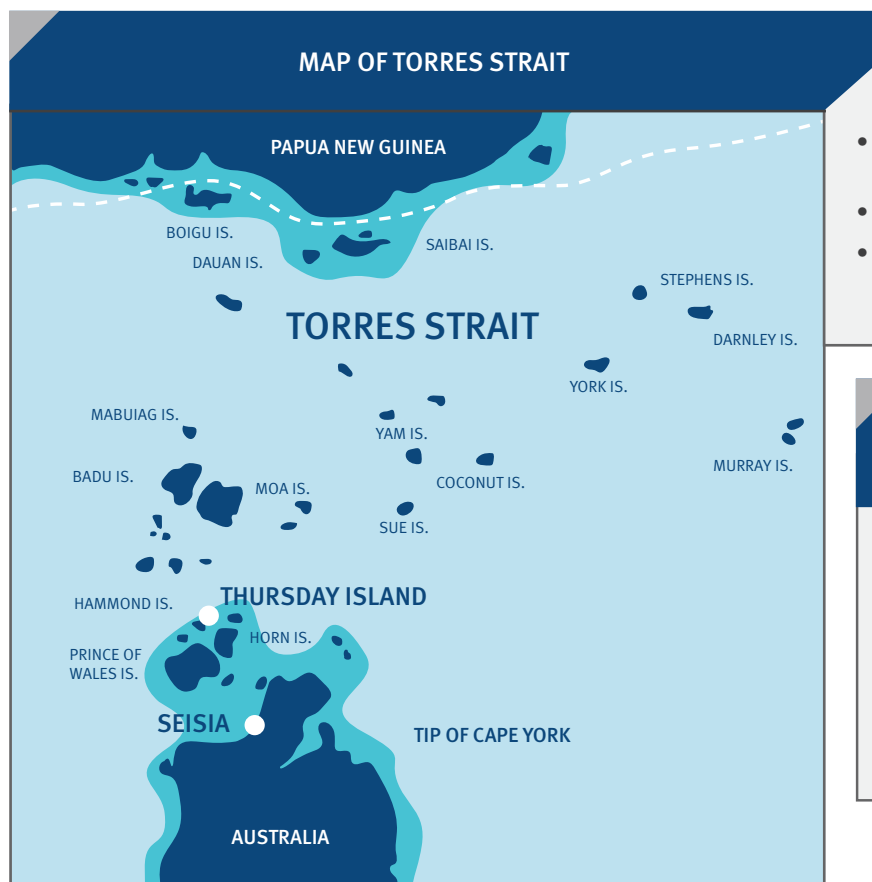
After feedback from the community suggested the Police Liaison Officer model was not appropriate for the Island,<sup>345</sup> a program was developed so that local Palm Island residents could take up Protective Services Officer positions. This seemed to provide a balance between local people serving the local community and maintaining a presence in the community.

They are identified positions: First Nations people from their community helping protect their community.<sup>346</sup>

These roles replace the fly-in-fly-out model of government security traditionally provided in remote communities. The project is about giving local people jobs, providing careers and helping build stronger communities. Following the success of this trial, the QPS is investigating making the program available in other communities.<sup>347</sup>

The Commission heard that successful elements of this project included the role of Protective Services Officers using preventative strategies and local community knowledge of families and connections to minimise the risk and impacts of crime, reducing conflict and de-escalating situations from the start.<sup>348</sup>

# The unique policing experience in the Torres Strait



- 274 islands between Cape York and Papua New Guinea
- 15 islands inhabited
- 4 main spoken languages, including English

## PREVALENCE OF DOMESTIC AND FAMILY VIOLENCE

Proportion of court events relating to domestic and family violence<sup>350</sup>:

- Saibai, Moa, Badu Islands: over 60%
- Thursday, Erub, Boigu Islands: over 50%
- Mer Island: over 30%

## TORRES STRAIT ISLAND POLICE LIAISON OFFICERS

- Are well known within their community
- Are almost always the first responders to an incident on islands without a police presence
- Have no police powers nor accoutrements

“Torres Strait Island Police Liaison Officers do it because they’re wonderful people and they’re fantastic humans and that’s why they work for us, but sometimes people ring up in violent situations and we have DVs that are happening, we’re asking them to go and look. They don’t have any powers of entry. They don’t have any powers to investigate like we do under the PPRA. But we’re asking them to go and stick their nose into a potentially volatile situation for us to gather information so we can make decisions on how we respond...”

“Torres Strait Island Police Liaison Officers they’re related to these families, and it might compromise their relationships going forward once we deal with whatever little trauma has occurred and whatever incident has occurred at that time of night that we’ve attended to, they still live there and they’re still going to see these people on a daily basis and it might compromise their relationships.”

- ANTHONY MOYNIHAN, OFFICER IN CHARGE OF THURSDAY ISLAND POLICE STATION<sup>351</sup>

“I sometimes feel I’ve got a big police station sign on top of my house my house is like a revolving door for especially victims or people in need of safety and service. It has in the past affected my family life, you know, but I’ve had to make changes for that. But it’s also about educating the people and, you know, this is my home, this is my family and home, and there’s only so much one person can do, I guess, yes. That’s my challenge.”

“Because I’m the only female and everyone talks to me, especially all the women, but I’ve also had a lot of men come and talk to me to talk to their partners or, you know - I think that’s one of the main challenges for me being a TSIPLO on the island.”

- ELSIE NONA, TORRES STRAIT ISLAND POLICE LIAISON OFFICER<sup>352</sup>

## POLICING LOGISTICS & CHALLENGES

- Staffed police stations on Thursday Island and Horn Island only
- Every second week, a small police team base themselves on a boat in one of four clusters of islands
- Boat is main method of travel for police and for community – in some conditions, some islands take more than six hours to reach
- Police also have access to a pilot and a plane (for use in daylight only) and shared access to a helicopter<sup>349</sup>
- Other policing challenges include crime prevention and disruption, crime scene preservation and evidence collection

## QPS INTELLIGENCE ASSESSMENT: DOMESTIC AND FAMILY VIOLENCE IN THE TORRES STRAIT AND THE NORTHERN PENINSULA AREA<sup>353</sup>

Domestic and family violence represents the highest demand for QPS responses in the Torres Strait. After two domestic and family violence incidents that would have been homicides if not for the intervention of a third party, a highly qualified and experienced QPS intelligence analyst produced a detailed intelligence assessment that considers domestic and family violence in the Torres Strait and the Northern Peninsula Area. Excerpts from the intelligence assessment include:

**“During 2020-21, approximately eighty percent (80%) of calls for service to attend domestic disturbances in the Torres Strait Patrol Group involved recidivist respondents.”**

“Intelligence checks indicate recidivist respondents have also become adept at using the legislation to their advantage. In Thursday Island Police Division, it was commonplace for recidivist respondents to be recognised as the aggrieved spouse during domestic disturbances following a conviction for a domestic-related offence. This recognised status provided them with a buffer from being held accountable for domestic violence.”

“Recidivist respondent Male P for example, was responsible for 10 calls for service during the last twelve months. In 4 of the 10 occurrences, Male P was identified as the aggrieved. In the remaining occurrences, no proceedings were commenced against him. Male P also reduced the likelihood of being further charged by coercing his aggrieved spouse to inform police the domestic disturbances were verbal arguments only.”

“It is likely a domestic or family violence related death will occur in the Torres Strait Patrol Group given the frequency and severity of domestic and family violence towards aggrieved spouses.”

“Head injuries were the most common injuries sustained by aggrieved spouses in the TSPG. The modus operandi for respondents was to king hit aggrieved spouses in the face with one or several punches with sufficient force for some of them to fall over, fall into furniture or downstairs. Some aggrieved spouses have also fallen down unconscious. A common occurrence for respondents was to further attack aggrieved spouses when they retreated and turned their backs.”

**“In Bamaga Police Division, an emerging trend amongst younger adult respondents was to strike the back and side of the aggrieved’s head with implements such as furniture, milk crates, glass bottles or other household items in reach. In the event an aggrieved spouse was still standing, the modus operandi was for respondents in Horn Police Division and Thursday Island Police Division was to ground the aggrieved by grabbing her hair and then stomping on the aggrieved’s head and torso or bending down to kick and punch the aggrieved in the head and torso.”**

## QPS Torres Strait Patrol Group response to the intelligence assessment:

- Torres Strait Island Police Liaison Officers follow up with high-risk families
- Additional training for first responders and investigators
- Revised risk management documentation

## POSITIVE COMMUNITY PARTNERSHIPS

Bridging the cultural divide requires sustained effort by QPS members to engage in community partnerships, and the Commission heard of many positive examples of that occurring. Officers who demonstrate excellent engagement with First Nations peoples and communities should be acknowledged within the QPS. The Commission makes a recommendation that the QPS implement an award scheme to recognise these efforts at the end of this chapter.

As each community has its own unique and diverse needs it would not be effective or appropriate for the QPS to replicate or roll out current community-led initiatives in a state-wide, one size fits all approach. However, there are significant learnings, for both the QPS and First Nations peoples and communities, that can be taken from the positive partnerships that the Commission has seen.

Most importantly, any partnerships must be community-developed and community-led. It is apparent that distrust between First Nations communities and members of the QPS can subside when QPS members are present long term, are invested in the community and regularly participate in community life.<sup>354</sup> It is only with that effort that police can be accepted not only as police officers but also as community members.<sup>355</sup>

In particular, the Commission heard about significant efforts made in Cunnamulla and Charleville, Morningson Island, Mount Isa and Aurukun.

### CUNNAMULLA AND CHARLEVILLE<sup>356</sup>

Sergeant Matthew Costelloe told the Commission about collaboration between the Inspector of the Charleville Patrol Group, First Nations QPS Officers and community Elders in both Cunnamulla and Charleville to establish a tailored cultural induction program for QPS members when they begin working in the area.<sup>357</sup> The program involves:

- viewing two documentaries, *Incarceration Nation* and *Out of Sight Out of Mind*. *Incarceration Nation* looks at the underlying causal factors that result in the overrepresentation of First Nations peoples in the criminal justice system, while *Out of Sight Out of Mind* provides an historical context to the First Nations relationships with police in Cunnamulla and the segregation of First Nations peoples in the early 1970s when they were forced to live in a separate area outside of town known as the 'Yumba'.<sup>358</sup>
- a cultural immersion program about traditions and cultures and an online learning product which includes information from recently developed cultural awareness pamphlets<sup>359</sup>
- informal and individual introductions to First Nations community members and other community stakeholders, including domestic and family violence support services.<sup>360</sup>

Inductions of this kind assist in building rapport and trust between the police, First Nations community members and other significant community organisations, including domestic and family violence service providers. Ms Wharton reported that:

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My staff and I have a positive relationship with all the current police at Cunnamulla.

When the new officers arrive at Cunnamulla they are taken around town and introduced to the staff at the support services...as well as being introduced to community elders and other stakeholders. New police are encouraged from the start to take part in community events that are run by the police and collaborative stakeholders.<sup>361</sup>

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QPS officers in this district also work closely with the Far West Indigenous Family Violence Service (a victim-survivor support service) and the Strong Families Strong Communities Committee (which provides holistic perpetrator intervention programs). Ms Wharton said:

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Because the police are aware of the work that is being done with both victims and perpetrators the support services and the police work together and if people are doing well with their programs, then variations to the domestic violence orders are more often agreed to by the police. This also leads to less breaching offences.<sup>362</sup>

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The Strong Families Strong Communities Program provides support, advice and advocacy to individuals and families experiencing domestic and family violence in Cunnamulla and the surrounding areas. It is managed by a multi-agency committee, and there must be a QPS member on the management committee.<sup>363</sup> The management committee has regular meetings where information and data is shared to identify local trends and ways of responding. It also provides an opportunity to give feedback on programs.<sup>364</sup> Sergeant Costelloe reported that:

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The group aims to take a holistic approach to addressing incidents of DV to identify and address underlying factors contributing to DFV such as substance abuse, lack of accommodation etc.<sup>365</sup>

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All domestic and family occurrences in the area are then referred by the police to a victim-survivor and perpetrator support service through the Redbourne referral portal. This provides an opportunity for earlier intervention for families, allows support services to work collaboratively with the family and to provide feedback to the police in relation to the level of engagement with support services.<sup>366</sup>

Police also make informal referrals to support services where needed, for example calling Far West Indigenous Family Violence Service after hours if urgent crisis support is needed overnight. Sergeant Costelloe told the Commission:

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We can ring her at 2 am in the morning and say, "Hey, we have a client that needs support. Can you come out?" She will get a room, she has her own commitments as well, but she's fantastic.<sup>367</sup>

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Other implemented initiatives include:

- Cell Visitor Program: volunteers attend the Cunnamulla Watchhouse to engage with persons in custody and act as a conduit between police and the First Nations community to better explain outcomes and investigations and to facilitate early intervention<sup>368</sup>
- Blue Edge Program: physical activity program run by police for school students, which includes breakfast and a guest speaker each session<sup>369</sup>
- Learner Licence Program: learner driving assistance provided by the QPS and Police Liaison Officers to help young people reach the required hours and confidence levels<sup>370</sup>
- weekly mentoring at the local schools, education and awareness workshops run by community at the local school<sup>371</sup>
- regular volunteering in the school canteen<sup>372</sup>
- Blue Light Shearing: education and training program and certificate to help young people enter agricultural and farming industries<sup>373</sup>
- Blue Light Boxing: a multi-agency boxing and physical training program run for young people to improve relationships with police and increase self-esteem<sup>374</sup>
- engaging a local First Nations artist to work with the school children to create an artwork to wrap the police vehicle.<sup>375</sup>

Sergeant Costelloe also gave evidence during the Commission's hearings about ongoing art projects that will be transferred onto police cars. He said:

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**So part of the artwork that we're going to do with Uncle Andrew Nelson, who's a local Cunnamulla man, Kunja man, he's going to design an artwork with the school, with the P to 12 school, and that artwork is going to be a symbol of all the family groups or tribunal groups around the area, and then that's going to overlay on our police vehicle that gives us a little bit more of a - gives also the kids a sense of ownership to the artwork and obviously gives the community a sense of ownership to that artwork and that police vehicle.<sup>376</sup>**

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Both police and community organisations have recognised that this community focused approach to policing has resulted in positive relationships with the community and in improved police responses. As Acting Senior Constable Laurie Bateman recognised:

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**In both Cunnamulla and Charleville I have seen a healthy relationship between police and community... This relationship is built and maintained by the many programs the Charleville police and community run.<sup>377</sup>**

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## MORNINGTON ISLAND<sup>378</sup>

The Commission saw evidence of strong cultural inductions and community collaboration by the QPS officers at Mornington Island. The induction program, an initiative of former Officer in Charge, Acting Inspector Reilly, involves cultural awareness training as well as practical information about the nuances of life on the island. New officers are rostered on shifts with experienced officers for their first few weeks. They also spend a day training with the Police Liaison Officer, who takes them to traditional areas, and introduces them to Elders. A welcome barbecue is also held to allow the community to meet the new police officers. This helps to begin the process of building a relationship and trust with the community, which can take time. Sergeant Shane Smith said:

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**We try and touch base with as many victims, aggrieveds and respondents, because it's a two-way street, we believe. ... you always have a talk, yarn, as it says on the island, have a talk in relation to those people involved to make sure that they're going okay and if there's any other support that we'd be able to give them in terms of policing or anything social that we're able to assist with.<sup>379</sup>**

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The police on Mornington Island have also established and participated in a number of collaborative domestic and violence related initiatives including:

- a policy of referring every aggrieved and every respondent to a local service<sup>380</sup>
- a weekly meeting with community groups, health services and Queensland Corrective Services, to discuss and review domestic and family violence incidents that occurred in the prior week<sup>381</sup>
- a weekly men's group ('the yarning circle'), encouraging men to talk about their issues, with an emphasis on domestic violence<sup>382</sup>
- a monthly meeting (chaired by the QPS) with the local council, schools, community groups and health services to discuss current trends, issues arising in the prior month, upcoming events, and to share information about high-risk families in order to better coordinate any required support.<sup>383</sup>

Sergeant Smith told the Commission that when he worked on Mornington Island he would regularly attend the men's group:

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**Usually on a Wednesday evening we sit around in a circle, because everyone is equal. I've attended many men's group meetings, all in plain clothes, never in uniform, and most of the time in my own time, and with that we can discuss anything from men's health to that of domestic violence to what the men - especially the men here like is fishing and hunting. So we can discuss a whole wide range of issues, and with that we're included as just another man on the island.<sup>384</sup>**

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When we're discussing topics like domestic violence at men's group we don't go into specific cases or use anybody's name or anything like that, because that would be the wrong thing to do in such an environment. However, we can talk in general terms about the effects of an order, of what does entail domestic violence, that type of thing as well, as well as elderly violence or elderly abuse as well which is very akin especially here on the island with the Elders and the traditional owners, the TOs, that type of thing as well.<sup>385</sup>

As a result of the work being done in Mornington Island, interactions between the police and the community are generally positive, concerns are raised respectfully and police are willing to work with local organisations to maximise the safety of victims of violence. Ms Nikita Sellin, CEO of Junkuri Laka Wellesley Islands Aboriginal Law, Justice and Governance Association told the Commission:

I would say that our relationship with the police on the island is pretty good. So we work with the police, not against the police, and we want the community to see that as well, that we are there to work with the police and that - so that our relationship can be strong in that sense, so that the community see that we're trying to help the community.<sup>386</sup>

## MOUNT ISA<sup>387</sup>

Sergeant Aimee Sewell, who has a background in education and is currently the Youth Club Manager at the Mount Isa PCYC, identified a gap in services and introduced and modified the nationally accredited *Love Bites* program designed to "educate and empower our young people with a little bit more information and start to challenge the attitudes and beliefs they were currently holding".<sup>388</sup>

### MODIFIED 'LOVE BITES' PROGRAM

The purpose of this program is to allow for a tailored and culturally appropriate delivery of the program for young perpetrators of domestic and family violence in Mount Isa.

*"The under-21 respondent program is an intensive three-day program which has one to three participants per program essentially, and we run it once per month and purely just because of staffing issues and requirements. As this program is quite labour intensive, it does require a lot of support for the young people. But it came about in response to a number of the young people that I was working with directly lacking understanding and awareness of their behaviours, and in particular their 'at risk' behaviours when it came to domestic and family violence."*

*So then they lacked a lot of understanding about why they were obviously getting in trouble for stealing cars or breaking into houses and were perhaps not dealt with with the severity that they were receiving in response to breaches of domestic violence. So they really lacked understanding about why they were getting in essentially more trouble for domestic violence than they were for other offences."*<sup>389</sup>

The program focusses on "learning through activities, conversations and feedback."<sup>390</sup> It includes reviewing the conditions of the Protection Order and giving examples to contextualise the conditions. Two staff (Sergeant Sewell and a colleague) manage and deliver the program, and the intention is to partner with other agencies in the future. Public transport is limited in Mount Isa, so the program includes transport, which is viewed as an opportunity to engage:

*"But generally young people are more willing to communicate when they're not being faced eye to eye. Especially with our Indigenous communities, a lot of young people won't look people in the eye. It's not a sign of disrespect; it's just a cultural mannerism. So being in a vehicle where I don't have to directly look at them is actually, yes, very productive and you get a lot of information from the young people when we're in vehicles waiting in drive-through lines or, you know, even just between the pick up and drop off. So if there's someone that I need to talk to about a specific issue I'll drop them off last."*<sup>391</sup>

The program also includes catering. Sergeant Sewell gave evidence that the participants are encouraged to "take dinner home to the parents so there is a conversation around their learnings for that day around a meal."<sup>392</sup>

Although it is too early to fully assess the success of this program,<sup>393</sup> it is another positive example of police acting proactively and collaboratively to address an issue within a community. It is proposed to expand the program to Doomadgee and Mornington Island in 2023.

The Commission also heard of the cultural awareness training introduced by the Officer in Charge of Mount Isa station. The training, delivered in partnership with community Elders and other government agencies, involves an explanation of local cultural history and the relevance of intergenerational trauma, and is delivered to all officers who commence at the station.<sup>394</sup> Initiatives by individual officers such as this should be encouraged.

## AURUKUN<sup>395</sup>

The importance of cultural inductions in Aurukun was recognised by Senior Sergeant Amit Singh, who gave evidence to the Commission of the importance of connecting with the community, asking for permission from the Elders to walk the land and beginning from a place of respect towards "their culture and the land".<sup>396</sup> The positive engagement between Senior Sergeant Singh and the First Nations community was recognised by Aurukun Mayor, Ms Keri Tamwoy, who gave evidence to the Commission that:

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It is early days, but things are going well. Officer Singh engages with the elders and with offenders, and is very proactive and focussed. This level of engagement is important. He also engages with the community as a whole – like recently, the police hosted a community game night and I believed a lot of people attended that. He knows what he wants to achieve, but he also knows that achievements only happen when we all work together. I feel the same.<sup>397</sup>

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In terms of positive community engagement, Mayor Tamwoy also gave evidence that the PCYC in Aurukun was an example of “*engagement done well*”. She said:

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Steve and Norma (who run the PCYC) really go out of their way to engage with the youth in the community. A recent example is the first NAIDOC Youth Ball.<sup>398</sup>

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The Commission heard that the limited presence and availability of support agencies in the community made addressing and responding to domestic and family violence difficult. Mayor Tamwoy explained that most services are available for limited hours only several days per week, and were not available on weekends or after hours, which was when they were most needed.

#### THE FOUR-POINT PLAN FOR AURUKUN

The four-point plan for Aurukun is a coordinated government response to improving community safety and governance, education and employment which was developed in 2016 following instances of unrest. Until the end of 2018, the plan was coordinated by a former Officer in Charge of Aurukun station, Brendan McMahon, who had strong ties to the community and was the inaugural Aurukun Government Coordinator. Mayor Tamwoy said:

*“I believe there was some improvement in community during that time. Brendon made a difference because he reported directly to the Director-Generals and he was always pushing for, you know, things to be done in the appropriate way for Aurukun... After Brendon left it left a big gap in community that couldn’t be filled. There was no forward planning to capture what Brendon had done in community.”<sup>399</sup>*

After Mr McMahon finished in his role as the Senior Government Coordinator, and government interest waned, the positive achievements were not maintained. This highlights the real need for long-term, generational investment. A quick fix is no real fix. As noted by Mr McMahon:

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Long term commitment is required at a governmental level in order to see positive change. An example of a successful whole of government approach was the performance framework for agencies in Aurukun. This was called the, ‘The Premiers Aurukun 4 Point Response Plan.’ It was announced on 14 June 2016, and centred around strengthening community safety, providing access to education, strengthening the community and its governance, and harnessing jobs and economic opportunity.

...However, while there have been isolated accomplishments, I have observed that often when a government coordinated plan created a small window of success, the attention and motivation to continue declined. The situation, on a superficial level, appeared to have improved, and the focus was taken away. Instead of persisting and turning the short-term success into a systemic change, this near-sighted attitude caused notable achievements, including notable changes to community attitudes and behaviours, to slowly erode and the dysfunctional issues returned.

In my experience, coordinated efforts between multiple agencies are required to provide effective support to regional communities. This requires long-term commitment from each of the agencies with significant support from the government.<sup>400</sup>

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## BROADER ACTIVITIES

The National Agreement on Closing the Gap provides for First Nations peoples and governments to work together in strong formal partnerships to achieve health and life expectancy of First Nations peoples that is equal to all Australians. This includes reducing the rate of First Nations adults held in custody by at least 15% by 2031<sup>401</sup> and reducing the rates of family violence against First Nations women and children by at least 50%, and towards zero, by 2031.<sup>402</sup> In July 2021, Queensland submitted its implementation plans for reaching the targets. In August 2022, the Queensland Government accepted all recommendations made by the 2021 Treaty Advancement Committee for the progress of an authentic partnership treaty process in Queensland.<sup>403</sup> The Commission acknowledges the key recommendations relating to the establishment of a Truth Telling and Healing Inquiry to engage with public institutions to build a shared understanding of First Nations history, and to enable First Nations peoples to give evidence about injustices done to them. This may assist in addressing the distrust of police expressed by First Nations peoples as a result of colonisation and protectionist policies (discussed earlier in this Part).<sup>404</sup>

Local Thriving Communities is a long-term commitment of this Government to enhance engagement with Queensland's remote and discrete communities, with a focus on local place-based decision making and service delivery.<sup>405</sup> Critical to the implementation of recommendations made by the Commission is the commitment to inclusion and leadership of Queensland's First Nations peoples and communities in the co-design and delivery activities related to domestic and family violence policing.<sup>406</sup>

### FIRST NATIONS JUSTICE OFFICE

In the Women's Safety and Justice Taskforce's *Hear her voice: Report One* (2021), it was recommended that the Queensland Government, in partnership with First Nations peoples, co-design a strategy to address the overrepresentation of First Nations peoples in Queensland's criminal justice system and meet Queensland's Closing the Gap targets.

The Queensland Government is in the process of establishing the First Nations Justice Office, which will be tasked with developing First Nations justice strategies. The Commission had the opportunity to meet with a senior officer who is assisting to establish the First Nations Justice Office and discuss its proposed direction.

The Commission believes the First Nations Justice Office will be well placed to consider domestic and family violence related issues which are impacting First Nations peoples and communities, and at the conclusion of this chapter makes a recommendation that domestic and family violence policy become a key priority area for the First Nations Justice Office. The Commission also makes a recommendation that the First Nations Justice Office provides resources where needed to support positive partnerships that already exist between the police and First Nations people and communities throughout Queensland.

## CONCLUSION

It is acknowledged that aspects of this Report may have been confronting for First Nations peoples and communities, police, victim-survivors and the wider Queensland community. This includes discussions about the continuing impact of colonisation on First Nations peoples and communities, the incidence of racism in the QPS and a lack of cultural capability, as well as the contribution of certain police responses to domestic and family violence to overrepresentation of First Nations peoples in the criminal justice system. But, as recognised in the recent commitment to a Truth Telling and Healing Inquiry, it is important to acknowledge past history, as well as current problems, if Queenslanders want to move forward to a place where meaningful change is possible, to support healing and reconciliation.

In this way, this section of the Report is a call for change in the QPS response to First Nations peoples and communities impacted by domestic and family violence.

## FINDINGS

- It is essential that the Queensland Police Service works collaboratively with community-based organisations to respond to domestic and family violence, particularly in rural and remote areas, where communities may be more tight-knit and lacking in local resources and support services. For First Nations peoples, community-led models have the potential to produce culturally intelligent, and therefore more effective, domestic and family violence responses.
- For Queensland Police Service members to work effectively with and in a community, they must have an understanding of the community's culture, history, relationship with police, and needs. This is true of all communities, but particularly essential for discrete First Nations communities and predominantly First Nations communities. Any cultural induction should be specific to that community, and should be delivered by a person with cultural authority.
- Police Liaison Officers play a critical role in service delivery, community relationships and the provision of expert cultural advice to the Queensland Police Service. Their responsibilities vary considerably from region to region.
- Police Liaison Officers do not receive adequate training, particularly in relation to domestic and family violence.
- Police Liaison Officers who represent the only permanent Queensland Police Service presence in a community face unique challenges and are not adequately supported by the Queensland Police Service.
- There are a number of positive community-led projects and community-centric policing initiatives that have been built and are carried out in partnership with First Nations community-controlled organisations and which the Queensland Police Service can learn from to further develop its response.



## RECOMMENDATIONS

### **Recommendation 55**

Within 12 months, the Queensland Police Service develop community awareness and preparedness inductions for members posted to remote locations which, at a minimum:

- are developed in consultation with the relevant community
- contain community specific information
- involve face-to-face introductions to community leaders and support and justice service providers.

### **Recommendation 56**

Within 12 months, the Queensland Police Service establish funded, non-operational periods of at least three days for members newly appointed to rural and remote communities to enable the community preparedness inductions to occur prior to the commencement of operational duties.

### **Recommendation 57**

Within 12 months, the Queensland Police Service develop and implement a procedure which provides for police officers who have completed two years of rural or remote service in designated communities:

- explicit recognition of the importance of remote and rural service in promotional criteria
- funded access to professional assistance for resume writing and interview skills.

### **Recommendation 58**

Within 12 months, the Queensland Police Service explore the feasibility of inter-departmental arrangements for partners of police officers posted to rural and remote communities who work in the public sector and wish to serve in the same community.

### **Recommendation 59**

Within 12 months, the Queensland Police Service, in consultation with the First Nations panel, assess the needs of, then design and deliver additional and ongoing training for Police Liaison Officers including in relation to domestic and family violence, trauma informed practice, conflict resolution and suicide prevention.

### **Recommendation 60**

Within six months, the Queensland Police Service review the Operational Procedures Manual to more accurately reflect the diverse roles undertaken by Police Liaison Officers within the Queensland Police Service.

### **Recommendation 61**

Within 12 months, the Queensland Police Service take the following actions in relation to Police Liaison Officers who are stationed in areas in which they are the only permanent Queensland Police Service presence, including in the Torres Strait:

- develop and deliver a training package in relation to QPRIME and QLITE and
- allow Police Liaison Officers access to QPRIME and the use of QLITE devices.

### **Recommendation 62**

Within 12 months, the Queensland Police Service consult with relevant First Nations communities and Police Liaison Officers in areas in which Police Liaison Officers are the only permanent Queensland Police Service presence, including in the Torres Strait to explore the most suitable option for servicing the community through either installing sworn officers in those communities or the expansion of powers to Police Liaison Officers in those communities.

### **Recommendation 63**

Within 12 months, the Queensland Police Service examine how airfields within the Torres Strait can be upgraded to enable Queensland Police Service planes to land at night.

### **Recommendation 64**

Within six months, the Queensland Police Service establish and/or expand an excellence in policing service delivery award scheme to acknowledge distinction in policing responses to First Nations peoples and communities.

### **Recommendation 65**

Within three months, the Queensland Government establish domestic and family violence as a key priority area of the First Nations Justice Office, Department of Justice and Attorney-General.

### **Recommendation 66**

Within three months, the Queensland Government add additional funded position(s) to the existing First Nations Justice Office structure as additional full-time equivalent and allocated specifically to the domestic and family violence priority area.

### **Recommendation 67**

Within six months, the First Nations Justice Office allocate resources to adequately support current models of existing partnerships between the Queensland Police Service and First Nations peoples and communities which address domestic and family violence, including through partnerships with other government and non-government agencies.

## HUMAN RIGHTS CONSIDERATIONS

In order to promote beneficial remote and rural placements, police officers need to be properly prepared for and educated about the unique challenges facing those communities and should participate in a cultural induction that involves local community input, contains community specific information and involves face to face introductions to community leaders and support and justice service providers. Successful recruitment and retention of culturally aware staff in communities, and recognition of their remote and rural time for future postings, will lead to better outcomes for victim-survivors and First Nations peoples, elevating their cultural rights (ss27 & 28 HRA) and recognition and equality before the law (s15 HRA).

The role of the Police Liaison Officer is critical and it contributes to the promotion of the cultural rights of First Nations peoples (s28 HRA). Access to further training, recognition of the diverse roles Police Liaison Officers undertake, and an expansion of their powers will further promote the cultural rights of First Nations peoples (s28 HRA) and the right of recognition and equality before the law (s15 HRA).

Recommendations for prioritising domestic and family violence within the First Nations Justice Office and supporting partnerships between the Queensland Police Service and First Nations peoples will lead to a more holistic, culturally appropriate response to policing domestic and family violence. This will promote the personal rights of victim-survivors that are engaged when domestic and family violence is prevented and adequately responded to, including recognition and equality before the law as a result of better investigation (s 15 HRA), right to life (s 16 HRA), liberty and security (s 29 HRA), protection for victims and their families (ss17 and 26 HRA) and cultural rights (s 28 HRA).

## CHAPTER 12 DATA TABLES

i

RATES (PER 100,000 PERSONS) OF POLICE-ASSESSED AGGRIEVED BY INDIGENOUS STATUS AND SEX										
Demographic	Year									
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Indigenous Female	8997	9488	9638	10424	11907	11845	11270	12055	12506	15599
Indigenous Male	2132	2327	2420	2544	3137	3036	3036	3331	3575	4631
Non-Indigenous Female	1443	1540	1704	1947	2235	2074	2032	2104	2248	2583
Non-Indigenous Male	494	518	579	670	766	740	722	781	818	991

ii

RATES (PER 100,000 PERSONS) OF POLICE-ASSESSED RESPONDENTS BY INDIGENOUS STATUS AND SEX										
Demographic	Year									
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Indigenous Female	3,688	3,980	4,246	4,486	5,672	5,774	5,515	6,092	6,452	8,297
Indigenous Male	12,514	13,204	13,271	14,365	16,439	16,019	15,430	16,062	16,690	19,887
Non-Indigenous Female	470	504	556	671	755	747	734	785	810	988
Non-Indigenous Male	1,677	1,806	2,010	2,305	2,672	2,475	2,412	2,501	2,665	2,980

iii

RATE (PER 100,000 PERSONS) OF DEFENDANTS CHARGED WITH CONTRAVENE DVO OFFENCES IN ALL MAGISTRATES COURTS, BY INDIGENOUS STATUS, AND SEX											
Indigenous Status	Gender	Year									
		2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Indigenous	Female	469	580	627	700	891	1,007	876	848	1,074	1,279
	Male	3,071	3,448	3,474	4,072	4,403	4,387	4,231	4,236	4,667	5,399
Indigenous Total		1,746	1,990	2,028	2,361	2,622	2,673	2,530	2,519	2,845	3,311
Non-Indigenous	Female	31	37	41	56	70	78	73	74	86	98
	Male	235	266	313	388	471	453	444	443	520	554
Non-Indigenous Total		132	150	176	220	268	263	256	256	299	322

**RATE (PER 100,000 PERSONS) OF DEFENDANTS CHARGED WITH DOMESTIC AND FAMILY VIOLENCE RELATED OFFENCES IN ALL MAGISTRATES COURTS, BY INDIGENOUS STATUS, AND SEX**

Indigenous Status	Gender	Year						
		2015	2016	2017	2018	2019	2020	2021
Indigenous	Female	36.4	397.0	435.0	323.6	374.7	382.9	499.9
	Male	193.4	1,929.4	1,852.9	1,593.1	1,595.4	1,605.2	2,026.8
<i>Indigenous Total</i>		<i>113.8</i>	<i>1,152.5</i>	<i>1,133.9</i>	<i>951.1</i>	<i>976.6</i>	<i>985.5</i>	<i>1,252.6</i>
Non-Indigenous	Female	1.3	24.7	21.4	14.5	14.2	15.2	17.3
	Male	11.7	145.7	136.7	100.1	88.0	94.9	117.9
<i>Non-Indigenous Total</i>		<i>6.4</i>	<i>84.5</i>	<i>78.2</i>	<i>56.7</i>	<i>50.5</i>	<i>54.4</i>	<i>66.8</i>

**RATES (PER 100,000 PERSONS) OF ADMISSION TO CUSTODY FOR DOMESTIC AND FAMILY VIOLENCE RELATED OFFENCES, INCLUDING BREACHES OF A CONTRAVENTION ORDER BY INDIGENOUS STATUS AND SEX**

Demographic		Year				
		2017/18	2018/19	2019/20	2020/21	2021/22
Indigenous	Female	36.62	161.3	214.99	255.78	289.11
	Male	480.75	1666.56	2523.65	2701.06	2835.77
<i>Indigenous Total</i>		<i>253.42</i>	<i>896.78</i>	<i>1342.82</i>	<i>1450.83</i>	<i>1543.19</i>
Non-Indigenous	Female	0.85	4.24	5.70	7.86	8.27
	Male	17.60	64.78	89.97	111.74	121.94
<i>Non-Indigenous Total</i>		<i>9.06</i>	<i>33.85</i>	<i>46.88</i>	<i>58.57</i>	<i>63.70</i>

**RATE OF QPRIME OCCURRENCES (PER 100,000 PERSONS) BY LOCATION**

Location	Year									
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Inner Regional	1700	1840	1995	2362	2711	2631	2634	2848	2976	3282
Major Cities	978	1071	1190	1375	1602	1517	1504	1576	1679	1948
Outer Regional	2187	2381	2562	2761	3182	3216	3177	3355	3693	4932
Remote	6456	6221	6150	8401	9269	9430	9583	10468	11215	16260

## ENDNOTES – PART 4

- 1 Reported reliably and frequently, with a recent example being: Queensland Sentencing Advisory Council, *Engendering justice: The sentencing of women and girls in Queensland* (Sentencing Profile Report No 4, 17 August 2022).
- 2 Queensland Sentencing Advisory Council, *Engendering justice: The sentencing of women and girls in Queensland* (Sentencing Profile Report No 4, 17 August 2022).
- 3 Marianne O Neilsen and Linda Robyn, 'Colonialism and Criminal Justice for Indigenous Peoples in Australia, Canada, New Zealand and the United States of America' (2003) 4(1) *Indigenous Nations Studies Journal* 29; Jean-Denis David and Megan Mitchell, 'Contacts with Police and the Over-Representation of Indigenous Peoples in The Canadian Criminal Justice System' (2021) 63(2) *Canadian Journal of Criminology and Criminal Justice* 23.
- 4 Queensland Sentencing Advisory Council, *Connecting the Dots: The sentencing of Aboriginal and Torres Strait Islander peoples in Queensland* (Report, March 2021) [pp iii–v].
- 5 Exhibit 41, Institute for Collaborative Race Research, *Expert report commissioned by the Independent Commission of Inquiry into Queensland Police Service responses to family and domestic violence* (25 August 2022), Tender Bundle W, tendered 5 October 2022 [p 8].
- 6 Premier and Minister for the Olympics the Honourable Anastasia Palaszczuk and Minister for Seniors and Disability Services and Minister for Aboriginal and Torres Strait Islander Partnerships the Honourable Craig Crawford, Queensland Government, 'Palaszczuk Government launches the start of the formal Path to Treaty' (Joint Media Statement, 16 August 2022).
- 7 In colonised countries, the term 'colonial' can also be used to describe the architecture and style of the era of colonisation.
- 8 Daniel Butt, 'Colonialism and postcolonialism' in Hugh LaFollette (ed) *The International Encyclopedia of Ethics* (Blackwell, 2013) [pp 892–893].
- 9 Henry Reynolds, *Truth-Telling: History, Sovereignty and the Uluru Statement* (NewSouth 2021) [p 50]; Jack Drake, *Queensland's Frontier Wars* (Boolarong Press, 2021) [p 4]; Daniel Black, 'Settler-Colonial continuity and the ongoing suffering of Indigenous Australians' (2021) *E-International Relations* [p 1].
- 10 Exhibit 41, Institute for Collaborative Race Research, *Expert report commissioned by the Independent Commission of Inquiry into Queensland Police Service responses to family and domestic violence* (25 August 2022), Tender Bundle W, tendered 5 October 2022 [p 7].
- 11 Henry Reynolds, *Truth-Telling: History, Sovereignty and the Uluru Statement* (NewSouth 2021) [p 77]; Daniel Black, 'Settler-Colonial continuity and the ongoing suffering of Indigenous Australians' (2021) *E-International Relations* [p 2]; Exhibit 41, Institute for Collaborative Race Research, *Expert report commissioned by the Independent Commission of Inquiry into Queensland Police Service responses to family and domestic violence* (25 August 2022), Tender Bundle W, tendered 5 October 2022 [pp 8–12].
- 12 Exhibit 41, Institute for Collaborative Race Research, *Expert report commissioned by the Independent Commission of Inquiry into Queensland Police Service responses to family and domestic violence* (25 August 2022), Tender Bundle W, tendered 5 October 2022 [p 7].
- 13 Transcript of proceedings, Superintendent Kerry Johnson, 18 July 2022, Cairns [p 399: line 3].
- 14 Transcript of proceedings, Dr Elizabeth Strakosch, 5 August 2022, Brisbane [p 1619: line 1].
- 15 Henry Reynolds, *Truth-Telling: History, Sovereignty and the Uluru Statement* (NewSouth 2021) [pp 182, 184].
- 16 Transcript of proceedings, Dr Elizabeth Strakosch, 5 August 2022, Brisbane [p 1617: line 47].
- 17 Henry Reynolds, *Truth-Telling: History, Sovereignty and the Uluru Statement* (NewSouth 2021) [p 182].
- 18 Henry Reynolds, *Truth-Telling: History, Sovereignty and the Uluru Statement* (NewSouth 2021) [p 185].
- 19 Australian Human Rights Commission, *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future* (Report, 2020).
- 20 Transcript of proceedings, Dr Elizabeth Strakosch, 5 August 2022, Brisbane [p 1617: line 9 – p 1619: line 32]; Australian Human Rights Commission, *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future* (Report, 2020) [p 166].
- 21 Transcript of proceedings, Andrea Kyle Sailor, 22 July 2022, Townsville [p 886: lines 1–10].
- 22 Transcript of proceedings, Elder Aunty Florence Onus, 22 July 2022, Townsville [p 843: line 36 – p 844: line 5].
- 23 Transcript of proceedings, Elder Aunty Florence Onus, 22 July 2022, Townsville [p 844: lines 7–36].
- 24 Transcript of proceedings, Superintendent Kerry Johnson, 18 July 2022, Cairns [p 402: lines 4–17].
- 25 Exhibit 22.2, Statement of Sergeant Matthew Costelloe, Tender Bundle P, tendered 4 August 2022 [p 2: paras 8–12].
- 26 Domestic and Family Violence Death Review and Advisory Board, *Collaborative responses to risk, safety and dangerousness (2021-22 Case Review Report 4)*, provided by the Coroner's Court of Queensland in response to the Commission Requirement, NTP 4.002, Item 1, requested 10 June 2022.
- 27 Transcript of proceedings, Elder Aunty Florence Onus, 22 July 2022, Townsville [p 844: line 41 – 845: line 2].
- 28 Transcript of proceedings, Elder Aunty Florence Onus, 22 July 2022, Townsville [p 843: lines 29–39].
- 29 Transcript of proceedings, Elder Aunty Florence Onus, 22 July 2022, Townsville [p 844: line 41 – p 845: line 2].
- 30 Exhibit 39 (C11), QPS baseline First Nations cultural awareness survey 2021, Tender Bundle W, tendered 5 October 2022 [pp 13–14, 16, 18–19].
- 31 QPS State-Wide Compulsory Training, 16 June 2022, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.007, Item 18, requested 5 July 2022.
- 32 Transcript of proceedings, Constable Zak Holliday, 21 July 2022, Townsville [p 726: lines 1–14; p 762: lines 16–36]; Transcript of proceedings, Senior Constable Michael Festing, 9 August 2022, Mount Isa [p 1849: line 40 44].
- 33 Transcript of proceedings, Elder Aunty Florence Onus, 22 July 2022, Townsville [p 839: line 36 – p 840: line 4].
- 34 Transcript of proceedings, Superintendent Kerry Johnson, 18 July 2022, Cairns [p 436: lines 38–45].
- 35 'Cultural Competence Program', *Special Broadcasting Service*, (Web Page 2022) <<https://www.cultural-competence.com.au>>.
- 36 Transcript of proceedings, Acting Assistant Commissioner Mark Kelly, 12 July 2022, Brisbane [p 177: lines 36–44].
- 37 Transcript of proceedings, Acting Assistant Commissioner Mark Kelly, 5 August 2022, Brisbane [p 1664: lines 5–23]; Exhibit 28, Written responses provided by Mark Kelly to additional questions, Tender Bundle Q, tendered 5 August 2022 [pp 9–10].
- 38 Exhibit 39 (C11), QPS Baseline First Nations Cultural Awareness Survey Results, Tender Bundle W, tendered 5 October 2022 [p 5].
- 39 Exhibit 39 (C11), QPS Baseline First Nations Cultural Awareness Survey Results, Tender Bundle W, tendered 5 October 2022 [p 6].
- 40 Australian Human Rights Commission, *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future* (Report, 2020) [p 176]; Domestic and Family Violence Death Review and Advisory Board, *2016-17 Annual Report* (2017) [p 95]; Marcia Langton et al, *Improving Family Violence Legal and Support Services for Aboriginal and Torres Strait Islander Women* (ANROWS Research Report, Issue 25, December 2020) [pp 31, 33].
- 41 Associate Professor Marlene Longbottom, Commission of Inquiry Submission 184, 6 July 2022 [p 3].
- 42 [Deceased's name]: Prelim Review, 13 June 2022, provided by the Coroners Court of Queensland in response to the Commission requirement, NTP 4.004, Item 1, requested 9 September 2022; [Deceased's name] – Supplementary Review, 13 June 2022, provided by the Coroners Court of Queensland in response to the Commission requirement, NTP 4.004, Item 1, requested 9 September 2022.
- 43 Heather Douglas and Robin Fitzgerald, 'The domestic violence protection order system as entry to the criminal justice system for Aboriginal and Torres Strait Islander people' (2018) 7(3) *International Journal for Crime, Justice and Social Democracy* 41 [pp 48–49].
- 44 Marcia Langton et al, *Improving Family Violence Legal and Support Services for Aboriginal and Torres Strait Islander Women* (ANROWS Research Report, Issue 25, December 2020) [p 33].
- 45 *Criminal Code* 1899 (Qld) ss 271, 272; Hayley Boxall, Christopher Dowling and Anthony Morgan, 'Female perpetrated domestic violence: Prevalence of self-defensive and retaliatory violence' (2020) 584 *Trends and issues in crime and criminal justice* [pp 2, 4].
- 46 Transcript of proceedings, Andrea Kyle Sailor, 22 July 2022, Townsville [p 886: lines 16–20, 29–33].
- 47 Exhibit 13.3, Statement of Andrea Kyle Sailor, Tender Bundle H, tendered 22 July 2022 [p 3: para 11].
- 48 Transcript of proceedings, Sergeant Matthew Costelloe, 4 August 2022, Brisbane [p 1587: line 46 – p 1588: line 7].
- 49 Transcript of proceedings, Associate Professor Marlene Longbottom, 28 July 2022, Brisbane [p 1202: lines 22–29].
- 50 Exhibit 18.3, Statement of Associate Professor Marlene Longbottom, Annexure A (Submission to Commission of Inquiry), Tender Bundle L, tendered 28 July 2022 [pp 6–7].
- 51 Transcript of proceedings, Associate Professor Marlene Longbottom, 28 July 2022, Brisbane [p 1202: lines 40–44].
- 52 Transcript of proceedings, Associate Professor Marlene Longbottom, 28 July 2022, Brisbane [p 1202: lines 15–21].
- 53 Based on data for the period 1 January 2012 to 31 December 2021, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.002, requested 2 June 2022.
- 54 Based on data for the period 1 January 2012 to 31 December 2021, provided by the Department of Justice and Attorney General in response to the Commission Requirement, NTP 1.002, requested 9 June 2022.
- 55 Based on data for the period 1 July 2017 to 30 June 2022, provided by Queensland Corrective Services in response to Commission Requirements, NTP 14.001 and 14.002, requested 12 and 30 September 2022.
- 56 Anna Olsen and Ray Lovett, *Existing knowledge, practice and responses to violence against women in Australian Indigenous communities: State of knowledge paper* (ANROWS Landscapes, Issue 2, January 2016).
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- 58 Queensland Sentencing Advisory Council, *Connecting the Dots: The sentencing of Aboriginal and Torres Strait Islander peoples in Queensland* (Report, March 2021).
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60 Transcript of proceedings, Professor Chelsea Watego, Dr David Singh and Dr Elizabeth Strakosch, 5 August 2022, Brisbane [pp 1614–1636].

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67 Australian Bureau of Statistics, *Prisoners in Australia 2021* (Catalogue 45170DO004\_2021, 9 December 2021) [Tables 40 – 41].

68 People who have been charged with an offence and refused bail.

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71 Harry Blagg et al, *Innovative models in addressing violence against Indigenous women: Key findings and future directions* (ANROWS Research to Policy and Practice Report, Issue 1, January 2018) [p 11].

72 Court events includes events such as mentions, hearings, adjournments, bail applications, trials, applications, and covers all civil and criminal proceedings. Each event was counted once, and it may take multiple court events to finalise a matter.

73 Exhibit 39 (C1), Examples of racist language relayed to the Commission of Inquiry, Tender Bundle W, tendered 5 October 2022.

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84 Transcript of proceedings, Witness A, 13 July 2022, Brisbane [p 282: lines 8–11].

85 Exhibit 6.1, Statement of Witness A, Tender Bundle C, tendered 13 July 2022 [p 2: para 9].

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87 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.061, Item 13, requested 16 September 2022.

88 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.061, Item 17, requested 16 September 2022.

89 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.061, Item 16, requested 16 September 2022.

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91 Confidential, Commission of Inquiry Submission 440, 1 September 2022 [p 1].

92 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.051, Item 37, requested 2 September 2022.

93 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.051, Item 37, requested 2 September 2022 [p 2: para 3].

94 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.051, Item 37, requested 2 September 2022 [para 18].

95 Juniper file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.043, Item 1, requested 23 August 2022.

96 Workforce Numbers, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.015, Item 3, requested 21 June 2022; Commissioned officers who identify as being from a First Nations background, 31 May 2022, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.042, Item 3, requested 22 August 2022.

97 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2240: line 29 – p 2241: line 7].

98 Confidential, Commission of Inquiry Submission 384, 29 August 2022.

99 Confidential, Commission of Inquiry Submission 623, 12 September 2022.

100 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2242: lines 31–38].

101 Confidential, Commission of Inquiry Submission 339, 23 August 2022.

102 Confidential, Commission of Inquiry Submission 623, 12 September 2022.

103 Confidential, Commission of Inquiry Submission 326, 22 August 2022.

104 Confidential, Commission of Inquiry Submission 654, 21 September 2022.

105 George Roberts, 'Queensland police defends force following anti-police sentiment sparked by death of Indigenous woman Aunty Sherry', *ABC News* (online, 19 Sep 2020) <<https://www.abc.net.au/news/2020-09-19/queensland-police-defend-racism-aunty-sherry-death-in-custody/12678564>> (emphasis added).

106 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2248: lines 5–7].

107 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2248: lines 28–30].

108 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2248: lines 34–36].

109 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2249: lines 5–8].

110 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2249: lines 33–34].

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112 Confidential, Commission of Inquiry Submission 480, 25 August 2022.

113 Exhibit 39 (C4), Examples of impacts of racism on QPS responses to domestic and family violence, Tender Bundle W, tendered 5 October 2022.

114 Exhibit 39 (C4), Examples of impacts of racism on QPS responses to domestic and family violence, Tender Bundle W, tendered 5 October 2022.

115 Exhibit 41, Institute for Collaborative Race Research, *Expert report commissioned by the Independent Commission of Inquiry into Queensland Police Service responses to family and domestic violence* (25 August 2022), Tender Bundle W, tendered 5 October 2022 [p 12].

116 Confidential, Commission of Inquiry Submission 326, 22 August 2022.

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120 Confidential, Commission of Inquiry Submission 440, 1 September 2022.

121 Exhibit 39 (C13), QPS Response to NTP regarding the First Nations Reference Group, Tender Bundle W, tendered 5 October 2022; Exhibit 39 (C14), Executive Briefing Note Update 1: Establishment of Police First Nations Reference Group 9 August 2021, Tender Bundle W, tendered 5 October 2022 [p 1: para 4].

122 Exhibit 39 (C21), Statement of Christine Thomas, Tender Bundle W, tendered 5 October 2022.

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124 Exhibit 39 (C14), Executive Briefing Note Update 1: Establishment of Police First Nations Reference Group 9 August 2021, Tender Bundle W, tendered 5 October 2022.

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127 Notes taken by Deputy Director-General of meeting with Acting Deputy Commissioner Shane Chelepy on 14 March 2022, provided by the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships in response to the Commission Requirement, NTP 11.003, requested 14 October 2022.

128 Queensland Police Service, Submissions in response to the draft report of the Commission of Inquiry – Part 4, 31 October 2022 [p 3].

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130 Queensland Police Service, Submissions in response to the draft report of the Commission of Inquiry – Part 4, 31 October 2022 [p 4].

131 Queensland Police Service, *Operational Plan 2022-23: Q1 July 2022* (July 2022); Queensland Police Service, *Cultural Capability Action Plan* (May 2021). The QPS Operational Plan includes to develop and embed cultural training to enhance cultural awareness and capacity including conducting a QPS Cultural Awareness baseline survey.

132 Executive Briefing Note Queensland Police Service Reconciliation Action Plan, April 2021, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.060, Item 4, requested 15 September 2022.

- 133 Executive Briefing Note Queensland Police Service Reconciliation Action Plan, April 2021, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.060, Item 4, requested 15 September 2022. Western Australia and South Australia Police have both developed and implemented Reconciliation Action Plans.
- 134 Executive Briefing Note Queensland Police Service Reconciliation Action Plan, April 2021, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.060, Item 4, requested 15 September 2022. The *Public Sector Act 2022* (Qld) will commence on 1 March 2023, which includes, subject to passage, a new statutory requirement for public sector entities to develop their cultural capability (s 21).
- 135 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2260: line 42 – p 2262: line 7].
- 136 Exhibit 39 (B27), QPS Organisational Review of the Communications, Culture and Engagement Division, Tender Bundle W, tendered 5 October 2022 [p 11].
- 137 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2241: lines 40–43].
- 138 Exhibit 39 (C28), Summary of interviews with members of the First Nations and Multicultural Affairs Unit, Tender Bundle W, tendered 5 October 2022.
- 139 Exhibit 39 (C28), Summary of interviews with members of the First Nations and Multicultural Affairs Unit, Tender Bundle W, tendered 5 October 2022.
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- 142 Exhibit 39 (C28), Summary of interviews with members of the First Nations and Multicultural Affairs Unit, Tender Bundle W, tendered 5 October 2022.
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- 144 A further QPS initiative, established in November 2020, with the aim of providing support for all Aboriginal and Torres Strait Islander personnel in the QPS through a dedicated and culturally supportive network, open to any Aboriginal and/or Torres Strait Islander employee or volunteer.
- 145 Exhibit 39 (C28), Summary of interviews with members of the First Nations and Multicultural Affairs Unit, Tender Bundle W, tendered 5 October 2022; Confidential, Commission of Inquiry Submission 384, 29 August 2022; Confidential, Commission of Inquiry Submission 626, 13 September 2022.
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- 151 Exhibit 19.2, Dr Heather Nancarrow, *Report – Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence* (20 July 2022), Tender Bundle M, tendered 29 July 2022 [p 10].
- 152 *Domestic and Family Violence Protection Act 2012* (Qld) ss 3–4; Explanatory Notes, *Domestic and Family Violence Protection Bill 2011* (Qld) [pp 9–10].
- 153 *Criminal Code Act 1899* (Qld) sch 1, s 315A. Date of commencement 5 May 2016.
- 154 *Domestic and Family Violence Protection Act 2012* (Qld) s 177. Date of commencement 22 October 2015.
- 155 *Domestic and Family Violence Protection Act 2012* (Qld) ss 178–179. Date of commencement 30 May 2017.
- 156 *Domestic and Family Violence Protection Act 2012* (Qld) s 97. Date of commencement 30 May 2017.
- 157 *Domestic and Family Violence Protection Act 2012* (Qld) ss 101–113. Date of commencement 30 May 2017.
- 158 Special Taskforce on Domestic and Family Violence, *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland* (Report, 2015) [Recommendation 131].
- 159 This response was to include a trial of integrated service provision in one discrete Indigenous community, the consideration of an expanded role of Community Justice Groups in the design and implementation of the co-located service response and an increase of funding for, and availability of, community-driven and holistic responses to indigenous male perpetrators: Special Taskforce on Domestic and Family Violence, *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland* (Report, 2015) [Recommendation 9].
- 160 Special Taskforce on Domestic and Family Violence, *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland* (Report, 2015) [Recommendation 92].
- 161 Special Taskforce on Domestic and Family Violence, *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland* (Report, 2015) [Recommendation 100].
- 162 Domestic and Family Violence Death Review and Advisory Board, *2016-17 Annual Report* (2017) [pp 98–99].
- 163 Domestic and Family Violence Death Review and Advisory Board, *2016-17 Annual Report* (2017) [p 101].
- 164 Domestic and Family Violence Death Review and Advisory Board, *2016-17 Annual Report* (2017) [p 101].
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- 166 Domestic and Family Violence Death Review and Advisory Board, *2018-19 Annual Report* (2019) [pp 67–78].
- 167 In reaching this conclusion, the Board considered a case where a First Nations woman used resistive violence and was misidentified. Cross-applications were made. The Board also made findings that First Nations women's use of resistive violence was likely to result in criminal charges. Domestic and Family Violence Death Review and Advisory Board, *2020-21 Annual Report* (2021) [pp 61–62].
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- 169 Queensland Police Service, Submissions in response to the draft report of the Commission of Inquiry – Part 4, 31 October 2022 [p 5].
- 170 Women's Safety and Justice Taskforce, *Hear her voice: Report 1 – Addressing coercive control and domestic and family violence in Queensland* (Report One, December 2021) [p 378].
- 171 Women's Safety and Justice Taskforce, *Hear her voice: Report 1 – Addressing coercive control and domestic and family violence in Queensland* (Report One, December 2021) [p 378].
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- 176 Women's Safety and Justice Taskforce, *Hear her voice: Report 1 – Addressing coercive control and domestic and family violence in Queensland* (Report One, December 2021) [Recommendation 13].
- 177 Women's Safety and Justice Taskforce, *Hear her voice: Report 1 – Addressing coercive control and domestic and family violence in Queensland* (Report One, December 2021) [Recommendation 5].
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- 181 Intelligence Assessment – Domestic and Family Violence in the Mount Isa District, 19 September 2022, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.068, Item 1, requested 29 September 2022.
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- 183 Australian Human Rights Commission, *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future* (Report, 2020); *Domestic and Family Violence Death Review and Advisory Board, 2016-17 Annual Report* (2017) [p 95].
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- 186 Sisters Inside and the Institute for Collaborative Race Research, Commission of Inquiry Submission 293, 13 July 2022 [p 6], quoting 'Marcia Langton, 'Two Victims, No Justice', *The Monthly* (July 2016).
- 187 Domestic and Family Violence Death Review and Advisory Board: Case Review Meeting 4 Aboriginal Family Violence Homicides, 16 March 2017, provided by the Coroners Court of Queensland in response to the Commission requirement, NTP 4.002, Item 1, requested 10 June 2022.
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- 193 Emma Buxton-Namitsnyk, Commission of Inquiry Submission 206, 11 July 2022 [p 5].
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- 196 Australian Human Rights Commission, *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future* (Report, 2020) [p 156–157]; *Domestic and Family Violence Death Review and Advisory Board, 2016-17 Annual Report* (2017) [p 95].
- 197 Such as resistive violence, or relationship arguments where there is no power imbalance or pattern of control.
- 198 Transcript of proceedings, Dr Heather Nancarrow, 29 July 2022, Brisbane [p 1231: lines 11–15].
- 199 Transcript of proceedings, Dr Heather Nancarrow, 29 July 2022, Brisbane [p 1230: lines 14–22].
- 200 Exhibit 18.1, Professor Heather Douglas, *Report to the Commission of Inquiry into Queensland Police Service Responses to Domestic and Family Violence* (14 July 2022), Tender Bundle L, tendered 28 July 2022 [p 6].

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214 Transcript of proceedings, Associate Professor Kylie Cripps, 29 July 2022, Brisbane [p 1272: line 39 – p 1273: line 4].

215 Heather Nancarrow et al, *Accurately Identifying the “person most in need of protection” in domestic and family violence law* (ANROWS Research Report, Issue 23, November 2020) [p 143].

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217 Heather Nancarrow et al, *Accurately Identifying the “person most in need of protection” in domestic and family violence law* (ANROWS Research Report, Issue 23, November 2020); Exhibit 18.2, Professor Silke Meyer, *Expert Report – Queensland Police Service responses to domestic and family violence* (17 July 2022), Tender Bundle L, tendered 28 July 2022.

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222 Transcript of proceedings, Senior Constable Michael Festing, 9 August 2022, Mount Isa [p 1875: lines 8–47].

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229 Jennifer E. Cobbina-Dungy and Delores Jones-Brown, ‘Too much policing: Why calls are made to defund the police’ (2021) *Punishment & society* 1 [p 11].

230 Jennifer E. Cobbina-Dungy and Delores Jones-Brown, ‘Too much policing: Why calls are made to defund the police’ (2021) *Punishment & society* 1 [p 11].

231 Transcript of proceedings, Thelma Schwartz, 19 July 2022, Cairns [p 608: lines 4–14].

232 Exhibit 35.5, Statement of Nikita Sellin, Tender Bundle S, tendered 8 August 2022 [p 3: para 14]; Transcript of proceedings, Sergeant Shane Smith, 8 August 2022, Brisbane [p 1774: line 41– p 1775: line 34].

233 Transcript of proceedings, Thelma Schwartz, 19 July 2022, Cairns [p 612: lines 29–37].

234 Transcript of proceedings, Andrea Kyle Sailor, 22 July 2022, Townsville [p 896: lines 28–39].

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240 Aboriginal and Torres Strait Islander Women’s Legal Services North Queensland, Commission of Inquiry Submission 199, 8 July 2022 [p 6].

241 Exhibit 22.2, Statement of Sergeant Matthew Costelloe, Tender Bundle P, tendered 4 August 2022 [p 6: para 40].

242 Exhibit 35.1, Statement of Senior Constable Laurie Bateman, Tender Bundle S, tendered 8 August 2022 [p 4: para 23].

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250 Transcript of proceedings, Acting Senior Sergeant Lisa Buchanan, 19 July 2022, Brisbane [p 571: line 24–29].

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260 Transcript of proceedings, Sergeant Elise Feltham, 11 July 2022, Brisbane [p 151: lines 27–32].

261 Exhibit 13.4, Statement of Karl McKenzie, Tender Bundle H, tendered 22 July 2022 [p 3: para 12].

262 Transcript of Proceedings, Lewis Shillito, 29 July 2022, Brisbane [p 1222: lines 10–40].

263 Exhibit 13.4, Statement of Karl McKenzie, Tender Bundle H, tendered 22 July 2022 [p 3: para 13].

264 Transcript of proceedings, Acting Senior Sergeant Lisa Buchanan, 19 July 2022, Cairns [p 578: lines 29–35].

265 Transcript of proceedings, Acting Senior Sergeant Lisa Buchanan, 19 July 2022, Cairns [p 579: lines 10–25].

266 Transcript of proceedings, Cathy Pereira, 22 July 2022, Townsville [p 879: lines 10–14].

267 Transcript of proceedings, Andrea Kyle Sailor, 22 July 2022, Townsville [p 892: lines 3–13].

268 Confidential, Commission of Inquiry Submission 739, 21 June 2022.

269 Queensland Sentencing Advisory Council, *Connecting the Dots: The sentencing of Aboriginal and Torres Strait Islander peoples in Queensland* (Report, March 2021) [p 23].

270 Confidential, Commission of Inquiry Submission 740, 21 October 2022.

271 Confidential, Commission of Inquiry Submission 739, 21 June 2022.

272 Confidential, Commission of Inquiry Submission 740, 21 October 2022.

273 Confidential, Commission of Inquiry Submission 740, 21 October 2022.

274 Exhibit 19.2, Dr Heather Nancarrow, *Report – Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence* (20 July 2022), Tender Bundle M, tendered 29 July 2022 [p 10].

275 Exhibit 18.2, Professor Silke Meyer, *Expert Report – Queensland Police Service responses to domestic and family violence* (17 July 2022), Tender Bundle L, tendered 28 July 2022 [p 8].

276 G E Fitzgerald, *Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct* (Report of a Commission of Inquiry Pursuant to Orders in Council, 29 June 1989) [p 231].

277 Harry Blagg et al, *Innovative models in addressing violence against Indigenous women: Key findings and future directions* (ANROWS Research to Policy and Practice Report, Issue 1, January 2018) [p 21].

278 Transcript of proceedings, Associate Professor Kyllie Cripps, 29 July 2022, Brisbane [p 1279: line 12–17].

279 Exhibit 22.3, Statement of Anita Wharton, Tender Bundle P, tendered 4 August 2022 [p 2: para 6].

280 Transcript of proceedings, Acting Inspector Emma Reilly, 4 August 2022, Brisbane [p 1606: lines 7–10].

281 Exhibit 18.3, Statement of Associate Professor Marlene Longbottom, Annexure A (Submission to Commission of inquiry into Queensland Police Service responses to domestic and family violence), Tender Bundle L, tendered 28 July 2022 [p 2].

282 Transcript of proceedings, Thelma Schwartz, 19 July 2022, Cairns [p 617: line 16–24].

283 Exhibit 22.2, Statement of Sergeant Matthew Costelloe, Tender Bundle P, tendered 4 August 2022 [p 5: para 37].

284 Australian Human Rights Commission, *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future* (Report, 2020) [p 29].

285 Exhibit 35.4, Statement of Sergeant Shane Smith, Tender Bundle S, tendered 8 August 2022 [p 3: para 13].

286 Exhibit 13.2, Statement of Elder Aunty Florence Onus, Tender Bundle H, tendered 22 July 2022 [p 4: para 16].

287 Transcript of proceedings, Brendan McMahon, 4 August 2022, Brisbane [p 1557: lines 16–27].

288 Exhibit 22.4, Statement of Acting Inspector Emma Reilly, Tender Bundle P, tendered 4 August 2022 [p 3: para 8].

289 Exhibit 22.4, Statement of Acting Inspector Emma Reilly, Tender Bundle P, tendered 4 August 2022 [p 4: para 16].

290 Exhibit 10.3, USB containing Woorabinda cultural awareness video, Tender Bundle E, tendered 18 July 2022.

291 Transcript of proceedings, former Deputy Commissioner Paul Taylor, 21 July 2022, Townsville [p 715: line 29 – p 716: line 7].

292 Transcript of proceedings, former Deputy Commissioner Paul Taylor, 21 July 2022, Townsville [p 715: line 29 – p 716: line 7].

293 Transcript of proceedings, Acting Inspector Emma Reilly, 4 August 2022, Brisbane [p 1597: line 35 – p 1598: line 8].

294 Queensland Police Service, Closing submissions to the Commission of Inquiry, 22 August 2022 [pp 1, 4].

295 Exhibit 22.4, Statement of Acting Inspector Emma Reilly, Tender Bundle P, tendered 4 August 2022 [p 3: para 13].

296 Transcript of proceedings, former Deputy Commissioner Paul Taylor, 21 July 2022, Townsville [p 728: line 21].

297 Exhibit 12.2, Remuneration for North Qld Incentives, Tender Bundle G, tendered 18 July 2022.

298 Women's Legal Service Queensland, Closing submissions to the Commission of Inquiry, 24 August 2022 [p 21].

299 Transcript of proceedings, former Deputy Commissioner Paul Taylor, 21 July 2022, Townsville [p 700: line 10 – p 701: line 2].

300 Exhibit 22.4, Statement of Acting Inspector Emma Reilly, Tender Bundle P, tendered 4 August 2022 [p 3: para 12].

301 Email correspondence regarding First Nations recruitment, awards and support, provided by the Queensland Police Service Legal Division to the Commission of Inquiry on 2 November 2022.

302 Transcript of proceedings, Andrea Kyle Sailor, 22 July 2022, Townsville [p 886: lines 41–47].

303 Email correspondence regarding First Nations recruitment, awards and support, provided by the Queensland Police Service Legal Division to the Commission of Inquiry on 2 November 2022.

304 Transcript of proceedings, Superintendent Kerry Johnson, 18 July 2022, Cairns [p 440: lines 26–27].

305 Transcript of proceedings, Superintendent Kerry Johnson, 18 July 2022, Cairns [p 440: lines 29–31].

306 Exhibit 12.1, Statement of former Deputy Commissioner Paul Taylor, Tender Bundle G, tendered 21 July 2022 [p 3: para 20].

307 Exhibit 35.4, Statement of Sergeant Shane Smith, Tender Bundle S, tendered 8 August 2022 [p 2: para 10].

308 Transcript of proceedings, Superintendent Kerry Johnson, 18 July 2022, Cairns [p 426: lines 39–45].

309 Exhibit 22.3, Statement of Anita Wharton, Tender Bundle P, tendered 4 August 2022 [p 3: para 9].

310 Transcript of proceedings, Sergeant Matthew Costelloe, 4 August 2022, Brisbane [p 1578: lines 14–20].

311 Exhibit 12.1, Statement of former Deputy Commissioner Paul Taylor, Tender Bundle G, tendered 21 July 2022 [p 3: para 18]; Exhibit 22.4, Statement of Acting Inspector Emma Reilly, Tender Bundle P, tendered 4 August [p 2: para 7]; Transcript of proceedings, Brendan McMahon, 4 August 2022, Brisbane [p 1555: line 45 – p 1556: line 2].

312 Queensland Police Union of Employees, Closing submissions to the Commission of Inquiry, 25 August 2022 [p 10].

313 Exhibit 22.4, Statement of Acting Inspector Emma Reilly, Tender Bundle P, tendered 4 August 2022 [p 2: para 5].

314 Transcript of proceedings, Emma Wilson, 25 July 2022, Brisbane [p 945: lines 17–23].

315 Transcript of proceedings, Acting Senior Constable Laurie Bateman, 8 August 2022, Mount Isa [p 1817: lines 33–39].

316 Exhibit 36.1, Statement of Senior Police Liaison Officer Katrina Rapson, Tender Bundle T, tendered 9 August 2022 [p 3: para 15].

317 Transcript of proceedings, Thelma Schwartz, 19 July 2022 [p 617: lines 36–43].

318 Exhibit 12.1, Statement of former Deputy Commissioner Paul Taylor, Tender Bundle G, tendered 21 July 2022 [p 5: para 42 – p 7: para 43].

319 Exhibit 12.1, Statement of former Deputy Commissioner Paul Taylor, Tender Bundle G, tendered 21 July 2022 [p 5: para 41].

320 Confidential, Commission of Inquiry Submission 628, 13 September 2022.

321 Queensland Police Service, Submissions in response to the draft report of the Commission of Inquiry – Part 4, 31 October 2022 [p 7].

322 Transcript of proceedings, Associate Professor Marlene Longbottom, 28 July 2022, Brisbane [p 1207: lines 36–40].

323 Transcript of proceedings, Elder Aunty Florence Onus, 22 July 2022, Townsville [p 854: line 9].

324 Transcript of proceedings, Senior Police Liaison Officer Katrina Rapson, 9 August 2022, Mount Isa [p 1890: lines 35–37]; Transcript of proceedings, Torres Strait Island Police Liaison Officer Elsie Nona, 18 July 2022, Brisbane [p 520: line 5].

325 Transcript of proceedings, Senior Police Liaison Officer Katrina Rapson, 9 August 2022, Mount Isa [p 1890: line 39 – p 1891: line 7].

326 Transcript of proceedings, Senior Police Liaison Officer Katrina Rapson, 9 August 2022, Mount Isa [p 1890: lines 41–44].

327 Queensland Police Service, Closing submissions to the Commission of Inquiry, 22 August 2022 [p 4].

328 Confidential, Commission of Inquiry Submission 626, 13 September 2022.

329 Exhibit 10.12, Statement of Torres Strait Island Police Liaison Officer Elsie Nona, Tender Bundle E, tendered 18 July 2022 [p 2: paras 15–18].

330 Transcript of proceedings, Detective Sergeant Anthony Moynihan, 18 July 2022, Cairns [p 471: lines 3–12]: referring to travel between Badu Island and Thursday Island or Horn Island.

331 Transcript of proceedings, Torres Strait Island Police Liaison Officer Elsie Nona, 18 July 2022, Cairns [p 511: lines 26–38]: referring to travel between Badu Island and Thursday Island or Horn Island.

332 Transcript of proceedings, Detective Sergeant Anthony Moynihan, 18 July 2022, Cairns [p 469: line 44 – p 470: line 1].

333 Exhibit 10.7, Statement of Detective Sergeant Anthony Moynihan, Tender Bundle E, tendered 18 July 2022 [p 4: para 17].

334 Transcript of proceedings, Detective Sergeant Anthony Moynihan, 18 July 2022, Cairns [p 470: lines 3–42].

335 Confidential, Commission of Inquiry Submission 626, 13 September 2022.

336 Confidential, Commission of Inquiry Submission 626, 13 September 2022.

337 Exhibit 10.12, Statement of Elsie Nona, Tender Bundle E, tendered 18 July 2022 [p 2: para 20 – p 3: para 27].

338 Transcript of proceedings, Torres Strait Island Police Liaison Officer Elsie Nona, 18 July 2022, Cairns [p 526: lines 10–11].

339 Transcript of proceedings, Torres Strait Island Police Liaison Officer Elsie Nona, 18 July 2022, Cairns [p 515: lines 30–45].

340 Transcript of proceedings, Detective Sergeant Anthony Moynihan, 18 July 2022, Cairns [p 483: lines 2–5].

341 Exhibit 10.5, Statement of Police Liaison Officer Elsie Nona, Tender Bundle E, tendered 18 July 2022 [p 2: paras 9–12].

342 Transcript of proceedings, Torres Strait Island Police Liaison Officer Elsie Nona, 18 July 2022, Brisbane [p 519: line 37 – p 520: line 13]. A training week for Torres Strait Island Police Liaison Officers ran between 18 July 2022 to 22 July 2022. It included various sessions on operational skills specific to the area, including a three-hour session on domestic and family violence.

343 Confidential, Commission of Inquiry Submission 628, 13 September 2022. The additional powers requested, included: Ability to provide noise abatement directions; Ability to provide move on directions; Ability to issue tickets for unlicensed driving, drink driving and traffic infringements; Arrest and detention powers; Ability to hold/manage and look after people.

344 Confidential, Commission of Inquiry Submission 628, 13 September 2022. The additional powers requested, included: Ability to provide noise abatement directions; Ability to provide move on directions; Ability to issue tickets for unlicensed driving, drink driving and traffic infringements; Arrest and detention powers; Ability to hold/manage and look after people.

345 Transcript of proceedings, Andrea Kyle Sailor, 22 July 2022, Townsville [p 887: lines 6–21].

346 Transcript of proceedings, Superintendent Kerry Johnson, 18 July 2022, Cairns [p 413: lines 28–30].

347 Transcript of proceedings, Superintendent Kerry Johnson, 18 July 2022, Cairns [p 414: lines 20–26].

348 Transcript of proceedings, Superintendent Kerry Johnson, 18 July 2022, Cairns [p 414: lines 11–24].

349 Transcript of proceedings, Detective Senior Sergeant Anthony Moynihan, 18 July 2022, Cairns [p 480: lines 15 – 23; p 481: 29 – 36].

350 Based on data provided by the Department of Justice and Attorney General in response to the Commission Requirement NTP 1.002 requested on 9 June 2022; NTP 1.003 Items 1 and 2 requested on 12 July 2022; and NTP 1.004 Items 1 and 2 requested on 15 August 2022. Note: data not available for all islands.



351 Transcript of proceedings, Detective Senior Sergeant Anthony Moynihan, 18 July 2022, Cairns [p 480: lines 15 – 23; p 481: 29 – 36].

352 Transcript of proceedings, Police Liaison Officer Elsie Nona, 18 July 2022, Cairns [p 519: lines 13 – 26].

353 Exhibit 39 (E1), Domestic and Family Violence in the Torres Strait and the Northern Peninsula Area intelligence assessment, Tender Bundle W, tendered 5 October 2022.

354 Exhibit 22.2, Statement of Sergeant Matthew Costelloe, Tender Bundle P, tendered 4 August 2022 [p 2: para 12].

355 Exhibit 22.2, Statement of Sergeant Matthew Costelloe, Tender Bundle P, tendered 4 August 2022 [p 2: para 12].

356 37% of the 1,140 population of Cunnamulla identify as Aboriginal and/or Torres Strait Islander people. Cunnamulla has 14 police personnel. 15% of the 3,335 population of identify as Aboriginal and/or Torres Strait Islander people. Charleville has 30 police personnel. In 2021, 42.71% of Cunnamulla Magistrates Court events related to domestic and family violence, in comparison to the approximately 34% of domestic and family violence Charleville Magistrates Court events.

357 Exhibit 22.2, Statement of Sergeant Matthew Costelloe, Tender Bundle P, tendered 4 August 2022 [p 4: paras 23–24].

358 Exhibit 22.2, Statement of Sergeant Matthew Costelloe, Tender Bundle P, tendered 4 August 2022 [p 4: para 24].

359 Exhibit 22.2, Statement of Sergeant Matthew Costelloe, Tender Bundle P, tendered 4 August 2022 [p 4: para 23].

360 Exhibit 22.2, Statement of Sergeant Matthew Costelloe, Tender Bundle P, tendered 4 August 2022 [p 4: para 27].

361 Exhibit 22.3, Statement of Anita Wharton, Tender Bundle P, tendered 4 August 2022 [p 3: paras 8–10].

362 Exhibit 22.3, Statement of Anita Wharton, Tender Bundle P, tendered 4 August 2022 [p 5: para 20].

363 Exhibit 22.3, Statement of Anita Wharton, Tender Bundle P, tendered 4 August 2022 [p 4: para 15].

364 Exhibit 22.3, Statement of Anita Wharton, Tender Bundle P, tendered 4 August 2022 [p 4: para 15].

365 Exhibit 22.2, Statement of Sergeant Matthew Costelloe, Tender Bundle P, tendered 4 August 2022 [p 3: para 16].

366 Exhibit 22.3, Statement of Anita Wharton, Tender Bundle P, tendered 4 August 2022 [p 4: para 13].

367 Transcript of proceedings, Sergeant Matthew Costelloe, 4 August 2022, Brisbane [p 1583: lines 11–15].

368 Transcript of proceedings, Sergeant Matthew Costelloe, 4 August 2022, Brisbane [p 1581: line 34 – p 1582: line 5].

369 Exhibit 22.3, Statement of Anita Wharton, Tender Bundle P, tendered 4 August 2022 [p 2: para 7(a)].

370 Exhibit 22.3, Statement of Anita Wharton, Tender Bundle P, tendered 4 August 2022 [p 3: para 7(b)].

371 Exhibit 22.3, Statement of Anita Wharton, Tender Bundle P, tendered 4 August 2022 [p 3: para 7(c)].

372 Transcript of proceedings, Sergeant Matthew Costelloe, 4 August 2022, Brisbane [p 1581: lines 18–24].

373 Exhibit 35.1, Statement of Acting Senior Constable Laurie Bateman, Tender Bundle S, tendered 8 August 2022 [p 2: para 14].

374 Exhibit 35.1, Statement of Acting Senior Constable Laurie Bateman, Tender Bundle S, tendered 8 August 2022 [p 3: para 15].

375 Transcript of proceedings, Sergeant Matthew Costelloe, 4 August 2022, Brisbane [p 1580: lines 1–10].

376 Transcript of proceedings, Sergeant Matthew Costelloe, 4 August 2022, Brisbane [p 1580: lines 1–10].

377 Exhibit 35.1, Statement of Acting Senior Constable Laurie Bateman, Tender Bundle S, tendered 8 August 2022 [p 2: paras 9 – 10].

378 The station usually has 10 general duties officers, two plain clothes officers, and one Police Liaison Officer. Another sergeant, administrative officer and two Police Liaison Officers are attached to the PCYC. In 2021, over half (52.85%) of court events in the Mornington Island Magistrates Court related to domestic and family violence.

379 Transcript of proceedings, Sergeant Shane Smith, 8 August 2022, Mount Isa [p 1782: lines 25–30].

380 Transcript of proceedings, Acting Inspector Emma Reilly, 4 August 2022, Mount Isa [p 1599: lines 36–39].

381 Exhibit 22.4, Statement of Acting Inspector Emma Reilly, Tender Bundle P, tendered 4 August 2022 [p 3: para 10].

382 Exhibit 35.4, Statement of Sergeant Shane Smith, Tender Bundle S, tendered 8 August 2022 [p 6: para 35].

383 Exhibit 35.5, Statement of Nikita Sellin, Tender Bundle S, tendered 8 August 2022 [p 2: para 7].

384 Transcript of proceedings, Sergeant Shane Smith, 8 August 2022, Mount Isa [p 1780: lines 30–38].

385 Transcript of proceedings, Sergeant Shane Smith, 8 August 2022, Mount Isa [p 1781: line 46 – p 1782: line 8].

386 Transcript of proceedings, Nikita Sellin, 8 August 2022, Mount Isa [p 1806: lines 3–9].

387 Mount Isa city has a population of 18,727, of which 21.5% Aboriginal and/or Torres Strait Islander people. Mount Isa city has 154 police personnel. In 2021, just under half (44.98%) of court events in the Mount Isa Magistrates Court related to domestic and family violence.

388 Transcript of proceedings, Sergeant Aimee Sewell, 9 August 2022, Mount Isa [p 1926: lines 39–42].

389 Transcript of proceedings, Sergeant Aimee Sewell, 9 August 2022, Mount Isa [p 1926: lines 21–42].

390 Transcript of proceedings, Sergeant Aimee Sewell, 9 August 2022, Mount Isa [p 1927: lines 34–35].

391 Transcript of proceedings, Sergeant Aimee Sewell, 9 August 2022, Mount Isa [p 1935: line 39 – p 1936: line 6].

392 Transcript of proceedings, Sergeant Aimee Sewell, 9 August 2022, Mount Isa [p 1928: lines 36–39].

393 It began in May 2022 and has involved less than 10 participants.

394 Transcript of proceedings, Senior Constable Michael Festing, 9 August 2022, Mount Isa [p 1885: line 14 – p 1886: line 36].

395 Aurukun has a population of 1,101 people, of which 88.7% identify as Aboriginal and/or Torres Strait Islander people. Aurukun has 27 police personnel. In 2021, just under a third (30.14%) of court events in the Aurukun Magistrates Court related to domestic and family violence.

396 Transcript of proceedings, Senior Sergeant Amit Singh, 18 July 2022, Cairns [p 538: lines 20–30].

397 Exhibit 36.4, Statement of Mayor Keri Tamwoy, Tender Bundle T, tendered 9 August 2022 [p 2: para 7].

398 Exhibit 36.4, Statement of Mayor Keri Tamwoy, Tender Bundle T, tendered 9 August 2022 [p 2: para 8].

399 Transcript of proceedings, Mayor Keri Tamwoy, 9 August 2022, Mount Isa [p 1922: lines 4–8].

400 Exhibit 22.1, Statement of Brendan McMahon, Tender Bundle P, tendered 4 August 2022 [p 3: paras 11–14].

401 Coalition of Aboriginal and Torres Strait Islander Peak Organisations and all Australian Governments, *National Closing the Gap Agreement* (July 2020) [p 26].

402 Coalition of Aboriginal and Torres Strait Islander Peak Organisations and all Australian Governments, *National Closing the Gap Agreement* (July 2020) [p 23].

403 Queensland Government, *Response to the Treaty Advancement Committee Report* (2022) [p 1].

404 Queensland Government, *Response to the Treaty Advancement Committee Report* (2022) [p 6].

405 Queensland Government, *Local Thriving Communities Action Plan 2022–24* (April 2022).

406 Queensland Government, *Local Thriving Communities Action Plan 2022–24* (April 2022).





## **PART 5**

# **BARRIERS TO CHANGE**

# 16 Assessment

The Commission was tasked with examining the adequacy of the current conduct and complaints handling process against police officers in Queensland.

Further, and independently of that term of reference, the Commission considered the conduct and complaints system in the context of the culture of fear and silence in the Queensland Police Service (QPS). Part 3 contains a consideration of how that culture of fear permits sexism and misogyny to persist in the organisation. The same issue was discussed in Part 4 in relation to the problem of racism within the organisation.

A robust conduct and complaints system would go some way to ensuring the problems of sexism, misogyny and racism are stamped out. Unfortunately, as the material considered in Part 3 and Part 4 demonstrates, the current conduct and complaints system does not inspire confidence in the QPS membership. Members are reluctant to report conduct which stems from sexism and misogyny and racism because they fear the system will not produce a just outcome or result in positive change, for themselves or the organisation.

This chapter considers the importance of a robust conduct and complaints system in ensuring community confidence in the QPS, as well as building police officers' confidence in their own organisation. It then considers the various models that can be used for conduct and complaints systems. Queensland's current model is a civilian review model. The last part of this chapter identifies the criteria the Commission has used to assess the adequacy of the current conduct and complaints model.

The next two chapters then assess Queensland's current model according to two central criteria of a robust conduct and complaints system: independence and effectiveness. Ultimately, the Commission concludes that the current system is neither independent nor effective. Accordingly, it is not likely to engender community confidence in the QPS, nor to ensure police officers' confidence in their own organisation.

The current system needs to be changed. The final chapter in this Part sets out the Commission's proposal for the establishment of a Police Integrity Unit.

## WHY IS A ROBUST CONDUCT AND COMPLAINTS SYSTEM IMPORTANT?

The problems of sexism, misogyny and racism in the QPS cannot be meaningfully addressed without a robust conduct and complaints system.

A robust conduct and complaints system is also necessary to ensure that, when QPS responses to domestic and family violence fall short of community expectations, those responses can be reported, investigated and resolved in a way that respects the victim-survivor and leads to organisation-wide improvements to its responses.

A robust conduct and complaints system is also essential to the protection of human rights and community confidence that those police officers who do the wrong thing will be dealt with appropriately:

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**An independent and effective police complaints system in which the public have trust and confidence is fundamental to the protection of human rights and combating impunity.<sup>1</sup>**

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## ENSURING COMMUNITY CONFIDENCE

The QPS has a vital role in keeping the community safe, and its officers are routinely placed in challenging and dangerous situations to protect the public. All members of the community should have the confidence that officers who have sworn to serve and protect them respond in a way that is not influenced by sexism, misogyny, racism, or other negative attitudes towards domestic and family violence. They should expect that officers will respond appropriately and without bias.

While Queensland consistently records high levels of general community satisfaction with police,<sup>2</sup> in individual cases, negative experiences with police create distrust. This is even more significant for groups which have a history of mistreatment by, and mistrust of, the police, such as First Nations peoples, people from culturally and linguistically diverse backgrounds and people from the LGBTIQ+ community.

Victim-survivors can also lose trust in police when they are not believed or appropriately responded to when they report domestic and family violence.

The Commission heard many accounts from victim-survivors, and the organisations that support them, of poor police responses to domestic and family violence. One respondent to a survey of victim-survivors conducted by the Commission said:

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**I called for police assistance three times... as my ex-husband was coming over without my consent and emotionally / and financially threatening us (myself and 4 kids). The police got to my house, looked around and said if I am not physically hurt visibly, there was nothing they could do. I have never called them again. I suffer in silence.<sup>3</sup>**

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One community organisation told the Commission many of its clients said they would not call the police for help again after their experiences of not feeling heard or believed:

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**We have heard many, many times clients say they will not ever call the police for help again because, number 1, they're no help and, number 2, they're usually on the end of a protection order afterwards.<sup>4</sup>**

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A victim-survivor who experiences a poor police response to domestic and family violence may be reluctant to seek assistance from the QPS again, unless the organisation's conduct and complaints system is sufficiently accessible and effective to instil confidence that an individual complaint will result in improvement.

## **ENSURING POLICE CONFIDENCE**

All QPS members should have confidence that when they go to work, they will be able to do their job to the best of their ability, and not be subjected to sexism, misogyny, racism or other negative workplace behaviours by their colleagues or supervisors. Similarly, every QPS member should feel able to raise and report cultural issues of this kind in their workplace without fear of retribution.

This is not always the case under the current system. As discussed in Parts 3 and 4 of the Report, there is a culture of fear and silence among the membership which inhibits the making of complaints by QPS members. That culture of fear and silence stems, in part, from a lack of confidence in the conduct and complaints system.

One former QPS member's separation letter to the QPS illustrates some of the problems with the current system:

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**I had the right to come to work and not be sexually harassed. After repeated attempts to shut the advances down, I asked for help. I was then victimised and bullied by another male colleague when all I had wanted was to come to work and be treated professionally. After being sexually harassed, I was then ignored, intimidated, ostracised, spoken badly about and punished for speaking up. My workplace was never the same.<sup>5</sup>**

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QPS members should also feel confident that any complaints made against them will be dealt with in a fair, transparent and independent manner. They also ought to be confident that, if they are cleared of wrong-doing, others in the organisation and community will respect that outcome because it was reached fairly, with no perception of actual or perceived bias on the part of the investigator. The Commission heard that many QPS members do not feel this confidence under the present system. As one QPS member told the Commission:

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**There is lack of transparency and consistency in receiving, processing and investigating complaints.<sup>6</sup>**

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It is only with the checks and balances of an independent and effective police complaints system that all Queenslanders, including police, can have confidence that officers who do not meet the organisation's expectations and community standards will be held accountable and that officers who have been wrongly accused will be exonerated. The importance of establishing and maintaining public trust was recognised by the QPS in its submission to the Commission:

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**A high level of community trust is essential for the QPS to fulfil its statutory functions. The effectiveness of policing agencies is heavily influenced by the level of trust the community has in police...The QPS recognises that it must strive to continually maintain public support in order to achieve its vision of making Queensland the safest State.<sup>7</sup>**

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The failures of the current police conduct and complaints system have been highlighted throughout this Report. The evidence collected by the Commission speaks of a system where poor behaviour can result in the most minimal of consequences, if any. Inadequate support for complainants and bystanders, and poorly communicated outcomes, create a sense of futility in those who have made a complaint. QPS members are also not confident that complaints will be fully investigated by an impartial officer, and this leads to a reluctance to report matters of misconduct.

The investigation of complaints is also hampered by a lack of understanding of the standard of proof, or a failure to appreciate the strength of the evidence required to substantiate a complaint, or both. QPS complaints files provided to the Commission show many investigations stalled because the subject member either denied the behaviour or shifted blame for the behaviour to the member who laid the complaint. The Police Commissioner conceded in evidence that where complaints involve a case of ‘word on word’ they are almost inevitably unsubstantiated.<sup>8</sup> This demonstrates a fundamental flaw in the way complaints against police are handled. An unjustified bias towards the accused officer is the result. A different way of dealing with such complaints must be found.

## BACKGROUND TO THE CURRENT CONDUCT AND COMPLAINTS SYSTEM

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In 1989, the landmark Fitzgerald Report characterised the then Queensland Police Force as “*debilitated by misconduct, inefficiency, incompetence and deficient leadership*”<sup>9</sup> and identified significant failings in the QPS conduct and complaints system.

The Fitzgerald Report described the former QPS Internal Investigation Section as “*a disastrous failure, inept, inefficient and grossly biased in favour of police officers.*”<sup>10</sup> It also found that:

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**...the Internal Investigations Section and the Police Complaints Tribunal have both failed to combat police misconduct. The Internal Investigations Section has lacked will, competence and resources. The Police Complaints Tribunal, in spite of well-meaning efforts, has lost public confidence and therefore effectiveness. Both bodies should be abolished.**<sup>11</sup>

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Since the Fitzgerald Report, there have been many changes to the way complaints about police are managed in Queensland. A summary of the key reports and reviews that have informed the development of the current system is at Appendix J.

Despite these changes, “*persistent problems*”<sup>12</sup> with the QPS conduct and complaints system have continued to be identified across multiple reports. They have included problems relating to:

- incorrect understanding and application of the civil and criminal standards of proof<sup>13</sup>
- inconsistent application of sanctions across the organisation<sup>14</sup>
- a reactive response to complaints rather than developing and improving preventative and early intervention strategies to avoid conduct issues<sup>15</sup>
- inadequate information handling systems, an inability to perform detailed trend-analysis on complaint data and a lack of reporting on complaint statistics<sup>16</sup>
- a practice of referring complaints out of the centralised Ethical Standards Command (ESC) to be handled by officers within the local districts or stations from which the complaint originated<sup>17</sup>
- damaged public confidence in the QPS complaints system because of concerns about a lack of independence linked to police investigating police, confirmed by several ‘signal events’<sup>18</sup> illustrating inadequate responses to police misconduct.<sup>19</sup>

As will be discussed in the following chapters, the Commission has found that despite previous reports and findings, many of these issues persist today.



## THE EXPERTS WHO INFORMED THE COMMISSION

The Commission also informed its understanding of the adequacy of Queensland's current police conduct and complaints system by obtaining a joint expert report from Professor Tim Prenzler, Professor of Criminology at the University of the Sunshine Coast and Dr Michael Maguire CBE, former Police Ombudsman of Northern Ireland (PONI).<sup>20</sup>

### WHO ARE THE EXPERTS?

**Tim Prenzler** is a Professor of Criminology in the School of Law and Society at the University of the Sunshine Coast. He teaches courses in policing, crime prevention, and criminal justice ethics and accountability. His research interests include crime and corruption prevention, police and security officer safety, security industry regulation, and gender equity in policing. He has been the recipient of numerous awards for excellence in teaching and research. Professor Prenzler's books include *Ethics and Accountability in Criminal Justice* (2021), *Regulating the Security Industry: Global Perspectives* (2018, with Professor Mahesh Nalla), *Understanding Crime Prevention: The Case Study Approach* (2017), *Civilian Oversight of Police: Advancing Accountability in Law Enforcement* (2016, with Dr Garth den Heyer), *Contemporary Police Practice* (2015, with Dr Jacqueline Drew), *Understanding and Preventing Corruption* (2013, with Professor Adam Graycar), *Police Integrity Management in Australia: Global Lessons for Combating Police Misconduct* (2012, with Dr Louise Porter) and *Police Corruption: Preventing Misconduct and Maintaining Integrity* (2009).<sup>21</sup>

**Michael Maguire** was Police Ombudsman of Northern Ireland between 2012-2019. As Police Ombudsman he was responsible for misconduct and criminal investigations into police officers, including high profile investigations into contemporary policing and allegations of criminality and misconduct within the Royal Ulster Constabulary during the Northern Ireland conflict. Prior to joining PONI, Dr Maguire was the Chief Inspector of Criminal Justice in Northern Ireland (CJNI) responsible for inspection into the main justice agencies including police, prisons, probation services, courts administration, public prosecution service, youth justice and third sector organisations in receipt of government funding. Dr Maguire was a Visiting Professor (Practice) at Monash University, Melbourne and is an Honorary Professor at the Senator George J. Mitchell Institute for Peace, Security and Justice, The Queens University of Belfast. Prior to the CJNI Dr Maguire spent 18 years (10 as partner in a global consulting firm) as a management consultant specialising in strategy and organisational development. He is currently a Lay Member of the UK House of Commons Select Committee on Standards, a Lay Member of the Legal Practitioners Disciplinary Tribunal in Ireland, and a member of the Yoorrook Justice Commission Expert Advisory Committee in Victoria. He was awarded a CBE in the 2019 Queen's Birthday Honours List for 'services to justice in Northern Ireland'.<sup>22</sup>

In compiling the joint expert report, Professor Prenzler and Dr Maguire reviewed five decades' worth of local and international experiences with different types of systems for investigating complaints against police and regulating conduct. The sources reviewed by Professor Prenzler and Dr Maguire included commissions of inquiry and associated reviews of police integrity issues, public opinion surveys, complainant surveys, surveys of police, expert opinions, legislation and legal cases, agency performance data, and studies regarding reduced complaints against police and improvements in police conduct. Dr Maguire also drew on his 11 years of experience as the Police Ombudsman of Northern Ireland and as the Chief Inspector of Criminal Justice in Northern Ireland.<sup>23</sup>

The joint expert report was tendered in evidence and Professor Prenzler and Dr Maguire both gave evidence in the public hearings.

The joint opinion reached by Professor Prenzler and Dr Maguire in their expert report was:

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**The weight of evidence from these diverse sources strongly supports the establishment of an agency with responsibility for the independent investigation and adjudication of allegations and disclosures about police as the best means of satisfying procedural justice criteria, meeting stakeholder expectations, and optimising public confidence. In the Queensland context this would require the redesign of current institutional arrangements to ensure a much more robust police oversight agency is in operation with access and outreach across the state.**<sup>24</sup>

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None of the parties challenged the expertise or opinion evidence of Professor Prenzler or Dr Maguire. Their opinions on relevant matters are considered throughout this Part.

## MODELS OF CONDUCT AND COMPLAINTS SYSTEMS

The Commission considered three widely-recognised models of conduct and complaints systems when assessing the adequacy of Queensland's current system: internal affairs, civilian review, and civilian control models (Figure 37).<sup>25</sup>

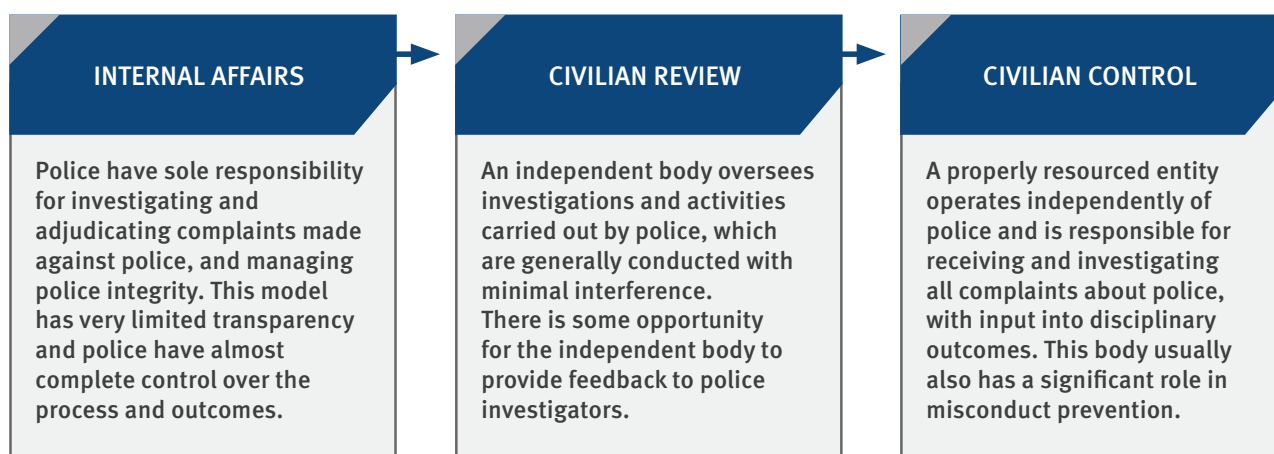


Figure 37: Different models of conduct and complaints systems

### INTERNAL AFFAIRS MODEL

In response to the Fitzgerald Report recommendations, the QPS internal affairs model was replaced with a civilian review model overseen by the former Criminal Justice Commission.<sup>26</sup>

Since then, however, the level of independent oversight in Queensland has decreased significantly through a process of devolution. As a result, the current system more closely resembles the previous internal affairs model, where the QPS has primary responsibility for the investigation and management of most complaints and integrity issues involving police.

There is utility in an organisation taking responsibility for, and control of, its own complaints management and discipline issues, however, the very nature of an internal affairs model creates a fundamental conflict of interest.

Professor Prenzler gave evidence to the Commission that, in practice, the internal affairs model has a “*record of abysmal failure*” which “*in the main has served to protect corruption through coverups, suppression of evidence and intimidation of complaints witnesses and whistleblowers*”.<sup>27</sup>

This conflict of interest has been observed in Queensland. A report following the 20th anniversary of the Fitzgerald Report noted:

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...there is further work to be done to address persistent shortcomings in the investigative process when police investigate police. Addressing these shortcomings is particularly important given that the QPS ‘has primary responsibility’ for handling police misconduct matters.<sup>28</sup>

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The difficulties arising from this conflict of interest have not only been observed in Queensland, they are observable in any internal affairs model. The Inquiry into the external oversight of police corruption and misconduct in Victoria (2018) reported that many inquiries have considered the internal affairs approach and “*found problems of partiality, lack of thoroughness, an unhealthy scepticism, or even hostility, towards complainants and a lack of transparency regarding processes and outcomes.*”<sup>29</sup> The Victorian inquiry also found that internal affairs models have a tendency to prioritise the avoidance of scandal at the expense of “*exposing and dealing with corrupt practices*”.<sup>30</sup>

### CIVILIAN REVIEW MODEL

Queensland's current system is a civilian review model. The civilian review model is the most common model throughout Australia and New Zealand (see Appendix G). It involves police conducting internal investigations into complaints, with oversight provided by an independent body (currently the Crime and Corruption Commission (CCC) in Queensland).

Theoretically, this model provides the assurance of independent oversight, while encouraging policing agencies to build capacity to ‘self-regulate’ their ethical climate by retaining primary responsibility for investigating and handling complaints.<sup>31</sup>

However, the effectiveness of a civilian review model relies on the oversight body consistently scrutinising police activity. This can be resource intensive, result in double handling of complaints, and fails to address concerns about a fundamental lack of independence.<sup>32</sup>

Professor Prenzler gave evidence that the civilian review model is “*a partial and frequently inadequate remedy to the inherent problems in the internal affairs model*”<sup>33</sup> because oversight agencies operate on “*one or two cylinders instead of six cylinders*”<sup>34</sup> and are unable to break through the “*culture of impunity*” that arises when police investigate police.<sup>35</sup>

Civilian review models can also lead to dissatisfaction among both complainants and the police against whom complaints are made.<sup>36</sup> In a 2016 review of complainant satisfaction surveys from around the world, Professor Prenzler and his colleagues found that complainants felt betrayed when they learned of the ‘false promise’ that, despite the existence of an oversight body, their complaint against police was nevertheless investigated by police officers. This resulted in what was described to the Commission as “*generally quite high rates of dissatisfaction and frustration*”.<sup>37</sup>

Professor Prenzler also told the Commission that surveys of police revealed some officers viewed any internal investigation by their own service as being “*biased against them if they’re not part of a particular network*”.<sup>38</sup> Certainly this was a complaint heard many times by the Commission. Many QPS members said there is a perception that certain police officers, typically more senior officers or those who are well connected to more senior officers, receive more favourable treatment through the conduct and complaints system than others.

### CIVILIAN CONTROL MODEL

The central feature of a civilian control model is that an independent entity assumes responsibility for handling police complaints. Under such a model, while police retain control of staff disciplinary outcomes, the independent body:

- decides whether the complaint should be handled informally or formally
- investigates the complaint where appropriate
- provides input into disciplinary decision making.

Fitzgerald’s original concept of an independent agency to investigate the most serious allegations of official misconduct reflects the core concepts of a civilian control model, although it was envisioned that the agency would have the power to refer “*trivial or purely disciplinary matters*” to the Police Commissioner for investigation.<sup>39</sup>

Various agencies in Canada and Asia also incorporate aspects of a civilian control model.<sup>40</sup> However, it is generally agreed by experts in police conduct and complaints systems that only the PONI has achieved the ‘gold standard’ of integrating all elements of a civilian control model.<sup>41</sup>

The PONI is led by a civilian and operates independently of the police service. It investigates all complaints about police except service delivery matters. The PONI was established in Northern Ireland in 1998 at a time when large sections of the community were deeply distrustful of police. The developed model recognised that independence is an essential component of any effective conduct and complaints system.<sup>42</sup> The critical importance of an independent process was emphasised by Mr Maurice Hayes, the author of the report which followed the review of the police complaints system in Northern Ireland before the PONI was established. Mr Hayes said:

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**The overwhelming message I got from nearly all sides and from all political parties was the need for the investigation to be independent and to be seen to be independent...the main value impressed on me was independence, independence, independence.**<sup>43</sup>

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In addition to facilitating independence, the PONI is committed to transparency, regularly publishing complaints data as well as results of surveys of participant satisfaction with its processes (which are generally high).

This is to be contrasted to the current position in Queensland. There are several measures which report on community satisfaction with police services, perceptions of police integrity and rates of complaints against police each year.<sup>44</sup> However, none of these mechanisms capture or report on complainant experiences of, or satisfaction with, the existing QPS conduct and complaints system.

## CRITERIA FOR A STRONG CONDUCT AND COMPLAINTS SYSTEM

There are no established Queensland standards by which the present conduct and complaints system can be assessed. Instead, the Commission had regard to the following established international guidelines and frameworks to inform its work (Figure 38).

UNITED NATIONS	<ul style="list-style-type: none"><li>• International Covenant on Civil and Political Rights</li><li>• Code of Conduct for Law Enforcement Officials</li><li>• Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials</li><li>• International Code of Conduct for Public Officials</li><li>• Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</li><li>• Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment</li><li>• Handbook on Police Accountability, Oversight and Integrity</li></ul>
INTERPOL	<ul style="list-style-type: none"><li>• The Global Standards to Combat Corruption in Police Forces/Services</li></ul>
COUNCIL OF EUROPE	<ul style="list-style-type: none"><li>• Code of Police Ethics</li><li>• Opinion of the Commissioner for Human Rights Concerning Independent and Effective Determination of Complaints Against the Police</li></ul>
AUSTRALIA & NEW ZEALAND POLICING ADVISORY AGENCY	<ul style="list-style-type: none"><li>• Four Dimensions of Trust</li><li>• ICCS Plus: A Common Approach to Incident Management</li></ul>

Figure 38: Relevant international and national human rights laws and standards<sup>45</sup>

These guidelines and frameworks have previously been used to guide assessments for police conduct and complaint systems across other Australian jurisdictions.<sup>46</sup>

For example, the Inquiry into the external oversight of police corruption and misconduct in Victoria (2018) based its review of the Victorian police integrity systems on the ‘best practice’ principles of independence, adequacy, promptness, public scrutiny and victim involvement as outlined within the Council of Europe’s Commissioner for Human Rights’ Opinion Concerning Independent and Effective Determination of Complaints Against the Police.<sup>47</sup>

In 2010, the Crime and Misconduct Commission’s report into Queensland’s conduct and complaints handling system, *Setting the Standard*, proposed that a model police discipline system should be “*simple, effective, transparent and strong*”.<sup>48</sup> These criteria formed the basis of an independent panel report on QPS disciplinary procedures the following year.<sup>49</sup>

The various criteria adopted by domestic and international authorities can be categorised according to the five key themes set out below:

<b>INDEPENDENT</b>	The legitimacy of the complaints handling process must not be undermined by actual or perceived bias. The process must also be conducted consistently and in accordance with the principles of due process.
<b>EFFECTIVE AND FAIR</b>	The process must result in outcomes that are fair and proportionate, and must be effective at reducing inappropriate and unacceptable behaviour.
<b>ACCESSIBLE AND RESPONSIVE</b>	A complaints system must be accessible and take into account the intersectional needs of complainants from a variety of backgrounds. It must also enable all relevant information to come before decision-makers, and protect good-faith complainants and whistleblowers from reprisal for raising issues.
<b>TRANSPARENT</b>	The process must be simple and understandable, must be capable of being effectively reviewed, and must involve the effective communication of outcomes.
<b>TIMELY</b>	The process must enable potential breaches of codes of conduct to be accurately and promptly detected, and must deliver appropriate outcomes without considerable delay.

Figure 39: Themes distilled from international and domestic criteria for strong police complaints and conduct systems

In undertaking its assessment of the current QPS conduct and complaints system, the Commission focused on the first and second of these criteria: *independent* and *effective and fair*. This is because most of the issues and concerns about the current system in Queensland, identified during the Commission's inquiry, related to these criteria.

The independence, effectiveness and fairness of the current QPS conduct and complaints system are discussed in the next two chapters. The remaining criteria, that the system be accessible and responsive, transparent, and timely, are discussed briefly at the end of Chapter 18 but are otherwise integrated into the Commission's overall analysis of the current system.



# 17 Independence

The previous chapter identified the importance of a robust police conduct and complaints system for ensuring community, and police, confidence in the Queensland Police Service (QPS). It identified three different models of complaints systems and the Commission's criteria for assessing the adequacy of the current system.

Although Queensland's current system is theoretically a civilian review model, the overwhelming majority of allegations against police officers are dealt with internally by the QPS with minimal oversight from the Crime and Corruption Commission (CCC). In fact, data obtained from the CCC demonstrates that over 99% of all allegations that are not dismissed<sup>50</sup> by the CCC are referred back to the QPS.<sup>51</sup> As one QPS member told the Commission:

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**At the end of the day, it's just coppers investigating coppers.<sup>52</sup>**

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With the vast majority of complaints being dealt with internally, the QPS finds itself in a difficult position. The organisation cannot improve its culture without an authentic and robust conduct and complaints system. At the same time, such a system cannot exist when, in effect, most complaints are managed internally within the QPS, an organisation where significant cultural issues have been found to exist.

This chapter assesses the independence of the current police conduct and complaints handling process and outlines the evolution of the system from a model of civilian review to one where police investigate police, with minimal oversight from the CCC. It also examines the inadequacy of current QPS procedures to identify and manage conflicts of interest when investigating complaints and discusses the way cultural attitudes such as sexism, misogyny, racism and poor attitudes towards domestic and family violence within the QPS impact its complaints processes.

## FITZGERALD'S VISION

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The establishment of an independent oversight body for police complaints, the Criminal Justice Commission (CJC),<sup>53</sup> was a key recommendation of the Fitzgerald Report following the finding that:

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**...it is apparent that the Queensland Police Force cannot, in general, be made responsible for the control of a system to address official misconduct.<sup>54</sup>**

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The CJC was established in 1990 to undertake independent investigations of misconduct by the police or other public agencies. It represented a core strategy in Fitzgerald's reform agenda, with its structure, composition, and functions intended to be those of a permanent "*standing royal commission*."<sup>55</sup>

The CJC quickly became inundated with allegations of police misconduct, culminating in an increase in its capacity to ensure it could focus on the most serious complaints. By 1997, the CJC's Official Misconduct Division consumed approximately half of the agency's total budget, and approximately 70% of that division's workload was dedicated to investigating complaints against police.<sup>56</sup>

To alleviate the heavy workload, alternative 'internal resolution' approaches were jointly developed by the CJC and QPS to manage relatively minor complaints more efficiently. These alternative approaches were the platform for the formal introduction of the 'devolution principle'.<sup>57</sup>

### THE DEVOLUTION PRINCIPLE

The devolution principle allows for public sector misconduct complaints to be investigated by the agency in which the complaint arose, with notional oversight from the anti-corruption body.

In the context of police complaints, devolution means that complaints made or referred to the CCC are sent back to the QPS to be managed internally with minimal oversight from the CCC.

It was envisaged that the implementation of the devolution principle would allow the CJC to focus on the most serious matters. It was also intended to bring about a positive shift in QPS culture, to give the QPS an opportunity to prevent and deal with misconduct internally and to take charge of its own ethical health.<sup>58</sup>

The impact of devolution was swift. In 1998, the then CJC referred approximately 20% of misconduct matters back to the QPS; by 1999, the proportion of referrals back to the QPS increased to 90%. By 2009-2010, the CJC's successor, the Crime and Misconduct Commission (CMC), retained only two per cent of complaints for investigation,<sup>59</sup> and conducted reviews of only five per cent of the matters it referred to the QPS.<sup>60</sup>

This trend has persisted. As will be discussed in more detail in this chapter, data acquired by the Commission reveals that over the past six years, the CCC has retained less than one per cent of police allegations for investigation.

Professor Prenzler explained the extent of this shift from Fitzgerald's vision to the Commission. He noted that, on paper, the current system reflects a civilian review model. However, in practice, the QPS essentially assumes complete control over the investigation and management of complaints against police with minimal oversight by the CCC.<sup>61</sup>

## THE 'FALSE PROMISE' OF OVERSIGHT

An effective civilian review model should provide external oversight of internal investigations and decisions. This means that, if the model was working as intended, the CCC should review conduct and complaints decisions made by police and identify if individual complaints are not being investigated properly. Professor Prenzler explained civilian review models at a Commission hearing as follows:

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**[T]he better ones scrutinise police conduct. They put a lot of pressure on police to engage in adequate discipline, and also to introduce procedures and processes that are more effective, less harmful to citizens, and that kind of thing. So they can make quite valuable contributions to police integrity.**<sup>62</sup>

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If the current model was operating effectively, it would monitor and proactively build the ethical health of the QPS by identifying and bringing attention to poor behaviour that stems from negative cultural attitudes. As Professor Prenzler has explained:

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**...there are a number of reasons why the management of complaints can serve strategic purposes related to better policing. Research highlights the apparent honesty and sincerity of most complainants. Complaints can therefore draw attention to a larger underlying problem of community dissatisfaction.**<sup>63</sup>

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Despite having the appearance of a civilian review model, Professor Prenzler said the current approach in Queensland is much closer to an internal affairs model:

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**The role of the Crime and Corruption Commission (CCC) in police integrity is now almost completely opaque. As far as can be ascertained, the discretionary powers it retains to independently investigate and review matters means that it remains marginally within the 'civilian review' category of oversight – although the system is very close to the 'internal affairs' model, with police having near-complete control.**<sup>64</sup>

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## THE ROLE OF THE CCC

The CCC is responsible for responding to corruption across the whole public service, investigating major crime, administering the proceeds of crime regime, and managing the witness protection program.<sup>65</sup> In his recent report *Let the sunshine in* (2022), Professor Peter Coaldrake AO described the CCC as a “giant in Queensland's integrity landscape”.<sup>66</sup>

Complaints related to police account for about half of all complaints received by the CCC.<sup>67</sup> In assessing these complaints, the CCC determines whether the allegations raised, if proven, would satisfy the definition of ‘police misconduct’<sup>68</sup> or ‘corrupt conduct’.<sup>69</sup> If not, the complaint is categorised as outside the scope of the CCC's jurisdiction and no further action is taken by the CCC.<sup>70</sup>

## POLICE MISCONDUCT

- Police misconduct means conduct, other than corrupt conduct, that is disgraceful, improper or unbecoming a police officer, shows unfitness to be or continue as a police officer or does not meet the standard of conduct the community reasonably expects of a police officer.
- Examples include behaviour which contravenes police policies and procedures, dishonesty, a failure of duty, or a criminal act that could affect the way a QPS member performs their role and responsibilities. However, it also encompasses most allegations of domestic and family violence perpetrated by a police officer and of failing to respond appropriately to a report of domestic and family violence.

## CORRUPT CONDUCT

- Corrupt conduct includes conduct which would constitute a criminal offence or be serious enough to be reasonable grounds to terminate a person's employment. It is conduct which, in the performance of the officer's duties or in exercising their powers, lacks impartiality or is dishonest, involves a breach of public trust or involves the misuse of officially obtained information.
- Examples include conduct such as an officer stealing property during the execution of a search warrant, unauthorised release or misuse of confidential information, or use of excessive force that has caused serious injury. Maladministration of the state's funds and assets can also be considered corrupt conduct should it damage public confidence and would constitute a criminal offence or justify reasonable grounds for dismissal.

Figure 40: Police misconduct and corrupt conduct as defined by the Crime and Corruption Act 2001 (Qld)

While the CCC retains the potential for oversight of investigations into allegations of police misconduct, it predominantly focuses upon investigations into corrupt conduct.<sup>71</sup> Ms Elizabeth Foulger, Executive Director of Integrity Services at the CCC, told the Commission that *"I think there is generally a lack of awareness that the CCC's ability to investigate under the legislation is quite restricted"*.<sup>72</sup>

## CLASSIFICATION OF ALLEGATIONS OF DOMESTIC AND FAMILY VIOLENCE INVOLVING POLICE

In June 2022, the CCC revised its interpretation of the legislation and updated its internal policy so that allegations of domestic and family violence perpetrated by police **may** now be considered 'corrupt conduct', where the act of violence involves a serious criminal offence.<sup>73</sup> A serious criminal offence is identified as *"rape, strangulation, grievous bodily harm, offences of that nature"*.<sup>74</sup> Previously, the CCC's practice was to categorise those allegations as 'police misconduct' unless the alleged act of domestic and family violence occurred while an officer was on duty.<sup>75</sup>

This is a policy decision of the CCC, not embedded in legislation, and it does not appear to have had a significant effect on the CCC's continued referral of matters to the QPS given the current narrow definitions limiting CCC involvement in QPS complaints management.

Ms Foulger told the Commission at a hearing on 1 August 2022 that all six matters which had been considered by the CCC following this change in policy had been devolved back to the QPS, with only two matters subject to monitoring by the CCC.<sup>76</sup> Ms Foulger also indicated that it is likely that most complaints relating to domestic and family violence perpetrated by police will continue to be dealt with as misconduct and therefore be the responsibility of the QPS.<sup>77</sup>

The CCC must ensure that allegations of corrupt conduct are dealt with appropriately.<sup>78</sup> It has the power to investigate the conduct itself or refer the matter back to the QPS for internal management.<sup>79</sup> The CCC can also decide to take no further action in relation to the conduct. The CCC retains the authority to audit the QPS (and other public sector agencies) in certain circumstances. These audits examine the strength of agencies' complaints handling and corruption prevention mechanisms, with a view to improving integrity, reducing and preventing corruption and major crime, and raising the standards of conduct in agencies.<sup>80</sup> The last CCC audit of the QPS occurred in 2019.<sup>81</sup>

While the CCC does not have primary investigative responsibility for police misconduct it does have a legislated monitoring role, which may include providing guidance to the QPS about the investigation or reviewing the way in which the complaint was dealt with.<sup>82</sup>

Figure 41 outlines the five potential outcomes for a complaint received by the CCC:

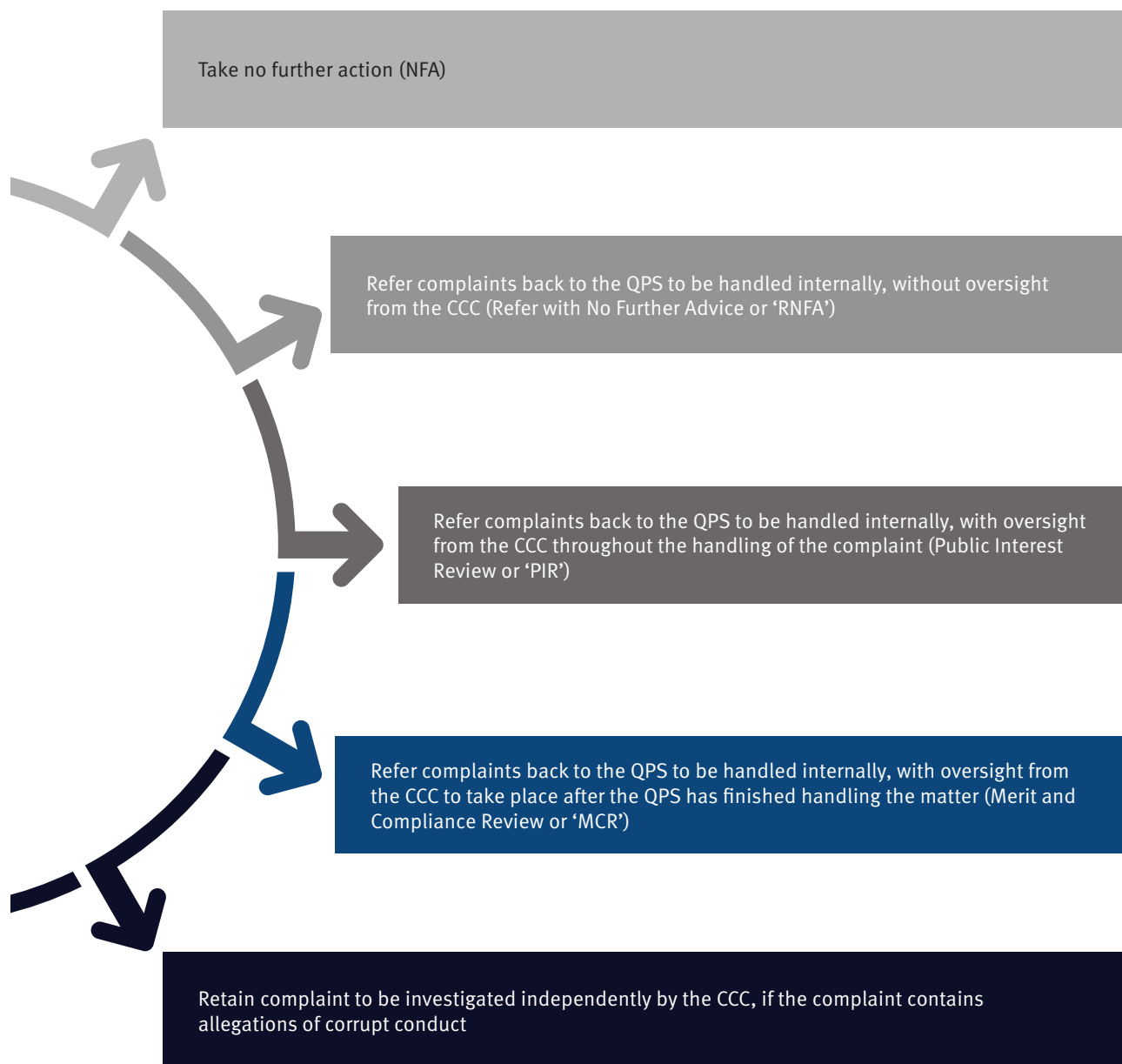


Figure 41: Potential outcomes for complaints received by the CCC

To assess how this agency manages allegations against police, and the outcomes of these complaints, the Commission obtained CCC data from the last six financial years.

This data showed that:

- the CCC investigated less than one per cent of allegations against police from 2016-17 to 2021-22
- the CCC had oversight of QPS investigations in less than 10% of allegations
- just under 90% of allegations were either dismissed with no further action or referred to the QPS without oversight.<sup>83</sup>

Figure 42 provides a detailed breakdown of the CCC's handling of allegations over the last six financial years:

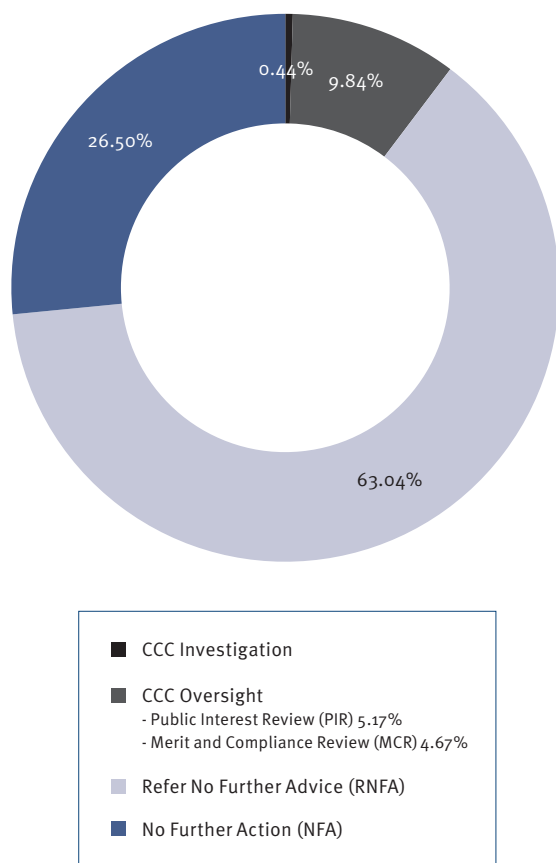


Figure 42: Breakdown of CCC assessments of allegations received against police between 1 July 2016 and 20 June 2022

## DATA BREAKDOWN

- the CCC received 26,535 allegations<sup>84</sup> relating to police officers
- just over one quarter of these allegations (7,032 or 26.5%) were dismissed by the CCC with 'No Further Action' taken<sup>85</sup>
- less than one per cent of these allegations (116 or 0.44%) were investigated by the CCC
- less than 10% of the allegations referred to the QPS (2,612 or 9.84%)<sup>86</sup> were subject to any oversight by the CCC<sup>87</sup>
- the remaining allegations (16,728 or 63.04%) were referred to the QPS without any form of oversight<sup>88</sup>

The data demonstrates the extremely limited oversight provided by the CCC under the current QPS conduct and complaints system, and the lack of authentic independence. This is particularly concerning given the longstanding, well-established recognition of the importance of Queensland having a "separate oversight body ...to conduct an independent investigation, or to monitor one carried out by the QPS".<sup>89</sup>

Criticisms of the CCC's oversight of the QPS complaints system have persisted since its post-Fitzgerald establishment:

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**The current criticisms affecting public confidence due to 'police investigating police' relate [to] a view that devolution has gone too far.<sup>90</sup>**

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This issue has been the focus of considerable attention over time and across the various iterations of the organisation from its inception as the CJC to the current CCC. Professor Prenzler's research confirmed that "[p]erhaps the greatest disappointment, however, lies with the [then] CMC's failures to engage in genuinely independent investigations".<sup>91</sup>

Professor Prenzler explained the current lack of awareness in the community about the CCC's very limited role in the investigation of complaints against police:

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**If you look at a civilian review commission website, there are a lot of strong statements about independence and authority over police and that kind of thing. So, people make complaints thinking that a civilian officer independent of the police will investigate that matter. Then they receive a letter saying that "your matter has been referred to the police and will be investigated by the police," and, naturally enough, they feel completely betrayed and disillusioned.<sup>92</sup>**

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The Commission also heard first-hand accounts of the sense of betrayal and disillusionment described by Professor Prenzler. One member of the public who had made a complaint about how police handled a domestic and family violence matter told the Commission:

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**I felt confident that my complaint would be looked at by a third person, an independent party to discuss with both sides and help make a fair decision...only to have my complaint forwarded straight back to the very station I believe not to have a sound understanding of DV situations, [which is] why I had [made] a complaint in the first place.<sup>93</sup>**

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Ms Foulger explained that if a person makes a complaint to the CCC, the CCC “will write to the complainant and advise them that we’ve assessed the matter as appropriate to refer to the QPS. We’ll request their consent to do so and advise them that if they don’t consent that we will take no further action.”<sup>94</sup> As outlined above, Ms Foulger recognised that there is generally a lack of public awareness about the CCC’s restricted ability to investigate complaints about the police.<sup>95</sup>

The data reviewed by the Commission demonstrates that there is minimal CCC oversight of QPS investigations. This lack of oversight has eroded the independence of the current conduct and complaints system.

## THE ROLE OF OTHER AGENCIES

In addition to the primary roles of the QPS and CCC, three other Queensland Government entities are involved in the complaints management and discipline system. Each agency’s scope, influence, and degree of investment in the police complaints management and discipline system varies.

Figure 43 depicts those agencies and their roles:

<b>QUEENSLAND POLICE SERVICE</b>	Responsible for investigating and resolving complaints about police misconduct. Investigates complaints about corrupt conduct referred from the CCC.
<b>CRIME AND CORRUPTION COMMISSION</b>	Responsible for investigating complaints about police that are categorised as ‘corrupt conduct’, but can also refer corruption investigations to the QPS. Can assume responsibility for any complaint but generally does not investigate allegations of police misconduct unless they are linked to allegations of corrupt conduct.
<b>QUEENSLAND HUMAN RIGHTS COMMISSION</b>	Responsible for complaints under the <i>Anti-Discrimination Act 1991</i> (Qld), the <i>Public Interest Disclosure Act 2010</i> (Qld) and the <i>Human Rights Act 2019</i> (Qld). Complaints are resolved through conciliation which means the QHRC does not have the authority to decide if unlawful discrimination or other conduct has occurred.
<b>QUEENSLAND OMBUDSMAN</b>	Responsible for investigating complaints about administrative actions and decisions of state government departments and agencies (including the QPS).
<b>QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL</b>	Responsible for hearing and deciding appeals from the QPS disciplinary process and referrals about discrimination matters.

Figure 43: Queensland Government agencies involved in the handling of complaints about police conduct

Both the Queensland Human Rights Commission (QHRC) and the Queensland Ombudsman told the Commission that they receive complaints about police which fall outside of their narrow remit. For example, in the six years between July 2016 to June 2022, the Queensland Ombudsman received 2,813 complaints about police. As the Ombudsman can only deal with complaints that relate to administrative matters such as purchasing decisions,<sup>96</sup> they only accepted 294 (or 10.5%) of those complaints.<sup>97</sup>

The Queensland Ombudsman may directly refer a complaint about police to the CCC or QPS, however no requirement or formal process exists to ensure a consistent approach.<sup>98</sup> The Queensland Ombudsman advised the Commission that, in respect of the 90% of complaints categorised as being beyond its functional responsibility, complainants were typically advised to contact the CCC or the QPS to progress their matter.

Similarly, the QHRC can only accept complaints that relate to actions which may be a breach of the *Anti-Discrimination Act 1991* (Qld), the *Public Interest Disclosure Act 2010* (Qld), or the *Human Rights Act 2019* (Qld). If a complaint about police is beyond its functional responsibility, the QHRC may advise a complainant to report to the CCC or contact a community legal centre or, in the case of domestic and family violence, a domestic and family violence support service.<sup>99</sup>

The fact that both organisations continue to receive complaints outside their jurisdiction could reflect a lack of knowledge within the community about where to make a complaint. It could also reflect a desire among the public to report concerns to an independent entity. The Commission was unable to ascertain whether the complaints rejected by the Ombudsman or the QHRC were subsequently received by the CCC or the QPS.

The Queensland Civil and Administrative Tribunal (QCAT) does not have jurisdiction to investigate complaints against police in the first instance. Instead, QCAT hears and decides reviews of decisions made in relation to police disciplinary matters. The QPS, CCC or the subject member have a right of review in relation to liability (whether or not an allegation is substantiated) or in relation to the sanction imposed on a subject member.<sup>100</sup> Once QCAT decides a matter, it is open to the CCC, the QPS decision-maker or the subject member to appeal to QCAT in its appellate jurisdiction.<sup>101</sup> There is a further right of appeal to the Queensland Court of Appeal.<sup>102</sup>

## LACK OF INDEPENDENCE IN QPS INTERNAL COMPLAINT PROCESSES

An internal police conduct and complaints system could theoretically operate with sufficient safeguards to ensure an adequate level of independence and maintain a robust system. However, it is difficult to imagine a system where this could occur in practice.

This section considers the extent to which internal QPS procedures fail to ensure an adequate level of independence in the handling of police complaints.

### INTERNAL PROCESSES FOR HANDLING COMPLAINTS AGAINST POLICE

Matters referred back to the QPS by the CCC are received by the QPS Ethical Standards Command (ESC) which is responsible for “*promoting ethical behaviour, discipline and professional practice in the QPS through deterrence, education and system improvements*”.<sup>103</sup>

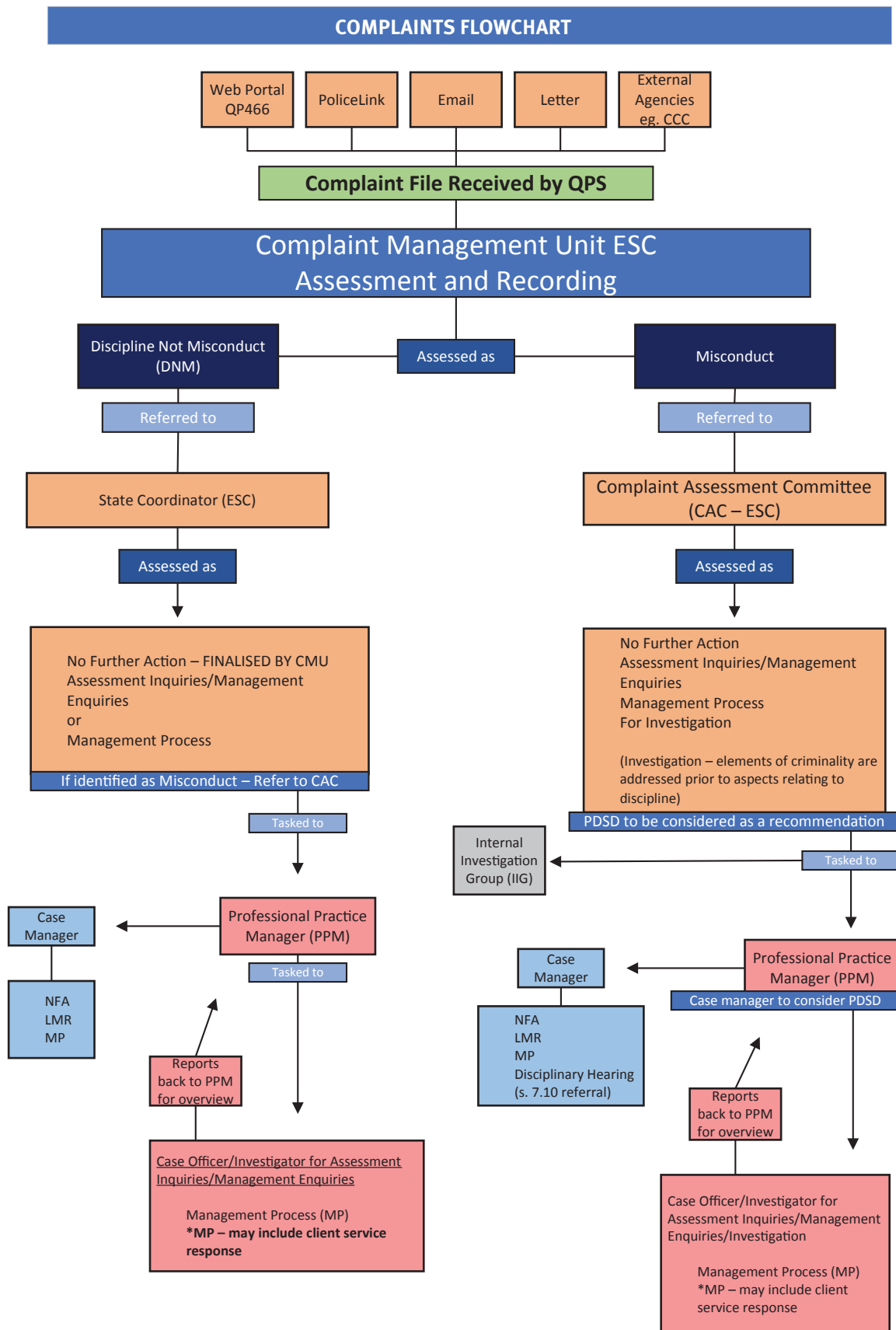
The Office of State Discipline (OSD) is a separate organisational unit to the ESC. The OSD is responsible for conducting disciplinary hearings and imposing any associated disciplinary sanctions. The Commission heard that a disciplinary hearing is, in fact, less likely to involve a hearing of evidence and submissions and more likely to involve a review of relevant documents to determine the appropriate outcome.<sup>104</sup>

The ESC is primarily comprised of two distinct sub-units focused on handling complaints against police: the Internal Investigations Group (IIG)<sup>105</sup> and the Integrity and Performance Group (IPG).<sup>106</sup> The ESC also has line control of the Professional Practice Managers located at district and command levels throughout the QPS whose role it is to oversee complaints locally.<sup>107</sup>

Assistant Commissioner Cheryl Scanlon is the most senior officer of the ESC and is responsible for leading the Command. In her evidence, she said that the IIG retains only the most serious complaints against police, which accounts for approximately 20% of active complaint files.<sup>108</sup> The remaining files are handled at a district or command level.<sup>109</sup>

Detective Inspector David Nixon is the State Coordinator and supervising Inspector for the Complaint Management Unit of the ESC. He is responsible for day-to-day management of complaint files and participates in the consideration, assessment and referral of disciplinary complaints. He provided the following flowchart in his statement to the Commission which illustrates the operation of the QPS complaints management and discipline system:

## COMPLAINTS FLOWCHART<sup>110</sup>



CAC – Complaint Assessment Committee  
 CCC – Crime and Corruption Commission  
 CMU – Complaint Management Unit  
 ESC – Ethical Standards Command  
 IIG – Internal Investigation Group  
 LMR – Local Management Resolution

MP – Management Process  
 NFA – No Further Action  
 PDSD – Professional Development Strategy Document  
 PPM – Professional Practice Manager  
 QP466 – Complaint against member of the QPS  
 QPS – Queensland Police Service

As illustrated by this flowchart, there are two pathways for dealing with complaints following assessment by the ESC Complaint Management Unit.

The first pathway is used for resolving complaints assessed as police misconduct. This includes behaviour by a police officer that is disgraceful, improper or unbecoming, which shows unfitness for duty or a failure to meet community expectations.<sup>111</sup>

The second process is for complaints assessed as involving grounds for discipline, but which do not constitute police misconduct. These complaints are referred to the relevant district or command to be resolved. The case manager, at Superintendent (or equivalent) level, is responsible for resolution of the complaint, which may include taking no further action, applying a Local Management Resolution strategy or other management process.<sup>112</sup>

## CONFLICTS OF INTEREST

Strong safeguards to protect against actual or perceived conflicts of interest are critical for securing the independence and integrity of any internal investigation systems.<sup>113</sup> Research has shown that perceptions of impartiality are critical for complainant satisfaction, and that distrust develops when the perception of impartiality is eroded.

In relation to the significance of conflicts of interest to the perception of the independence of a complaints system, research presented by Professor Prenzler observed:

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**[A] common theme was distrust of investigating police. Complainants frequently referred to officers appearing to take the side of their colleague under investigation. This was the case even with investigations where some oversight was involved, including external ‘supervision’. In many cases, it was ‘who’ handled the complaint, more than ‘how’ it was handled, that was critical.**<sup>114</sup>

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Procedures to effectively manage actual and perceived conflicts of interest are particularly critical in a complaints system where around 80% of allegations are dealt with internally by the district or command where the complaint originated, as is the case in the QPS system.<sup>115</sup>

The Commission recognises that, even with the strongest safeguards, perceptions of conflicts of interest might not be effectively managed under such a model.

Evidence before the Commission demonstrated that current procedures for identifying and effectively managing conflicts of interest within the QPS system are inadequate because:

- there are ad hoc procedures to identify conflicts of interest
- the system is not effective at ensuring the investigating officer is independent from the subject member.

## INADEQUATE PROCEDURES TO IDENTIFY CONFLICTS OF INTEREST

Despite being a key component of an independent conduct and complaints system, the current framework for managing conflicts of interest in QPS investigations lacks structure, clarity and rigour.

The QPS itself concedes that this aspect of the conduct and complaints system is less than optimal. Assistant Commissioner Scanlon gave evidence that QPS processes for managing conflicts of interest is “*an area that needs to be strengthened.*”<sup>116</sup>

The QPS Complaint Resolution Guidelines contains only a single paragraph in relation to the management of conflicts of interest. Section 5.1 provides:

### 5.1 CONFLICTS OF INTEREST

Where a case officer is assigned a matter for investigation and an actual or perceived conflict of interest is identified between the case officer and the subject member, or the complainant, the case officer is to notify the case manager at the earliest opportunity. The case manager is to consider the circumstances of the conflict and whether an alternate case officer should be appointed. Where practicable, case officers should not be appointed to investigate subject members who they supervise (does not apply to assessment inquiries).<sup>117</sup>

The Complaint Resolution Guidelines also provide that, for matters not investigated by the IIG, case officers conducting investigations should, where practicable, be senior in rank to the person being investigated.<sup>118</sup>

The term ‘conflicts of interest’ is not defined in either the Complaint Resolution Guidelines or the Service Manual Definitions.<sup>119</sup> This is despite a significant assessment of the QPS discipline system over a decade ago emphasising the importance of impartiality and the need to give staff guidance in relation to the identification of potential conflicts of interest. In 2010, the Crime and Misconduct Commission’s report, *Setting the Standard: A review of current processes for the management of police discipline and misconduct matters* recognised:

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**The discipline policy must not only prescribe against partiality, but also give officers involved in investigating and resolving complaints examples of situations in which real or perceived conflicts of interest may arise, clear guidelines on how to act in such situations, and the rationale for doing so.**<sup>120</sup>

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This lack of a formal framework for identifying and dealing with actual and perceived conflicts of interest presents obvious difficulties for the operation of the QPS conduct and complaints handling system.

Detective Inspector Nixon gave evidence to the Commission that despite the minimal guidance and lack of formal procedures, conflicts of interest are considered at the following three points in the complaints handling process:

- when members of the ESC's Complaint Assessment Committee consider whether the complaint is suitable for referral outside the ESC (internal devolution)
- when a Professional Practice Manager in a command or district, having received the complaint from the ESC, considers real and potential conflicts<sup>121</sup> before assigning it to a case officer
- when proposed case officers self-report conflicts of interest.<sup>122</sup>

At the first two points at which conflicts of interest might be considered, assessments are undertaken by people who may not have sufficient information to identify a potential conflict. It may not always be the case that the decision-maker at the Complaint Assessment Committee or Professional Practice Manager level has sufficient information to avoid a referral or assignment which results in a conflict of interest.

Assistant Commissioner Scanlon conceded at a Commission hearing that the obligation for identifying and managing conflicts of interest ultimately remains with the nominated case officer (who may have a conflict of interest in respect of the matter).<sup>123</sup> Accordingly, under the current system, the primary safeguard against conflicts of interest in an internal investigation is a reliance on individual officers to self-declare any actual or perceived conflicts of interest, in circumstances where there is no clear guidance on that concept within the QPS policy framework.

In the event that a case officer self-reports a conflict of interest, a decision-maker must determine whether the conflict of interest exists and assess its potential to affect the impartiality of the process. This determination is based largely on information provided by the case officer. However, the QPS does not require a formal declaration about potential conflicts of interest in respect of a matter,<sup>124</sup> and does not retain an internal register or record of declared conflicts of interest.<sup>125</sup> The safeguard is not, in fact, much of a safeguard at all.

## SYSTEM INEFFECTIVE AT ENSURING INDEPENDENCE OF INVESTIGATING OFFICERS

The Police Integrity and Professional Standards (PIPS) software was introduced in 2021 as the new complaints management database "*allowing for enhanced reporting and analysis capability*".<sup>126</sup> However, PIPS is unable to identify conflicts of interest, such as a case officer having worked with the officer being investigated, or the two officers having other personal connections.

Given that investigations are typically sent by the ESC to the district or command where the complaint originated, the current system results in the majority of complaints being dealt with by case officers in the same district or command as the officer under investigation. This proximity significantly increases the likelihood of an actual or perceived conflict of interest affecting investigations.

QPS members expressed concern to the Commission about how frequently conflicts of interest arise because of a personal or professional relationship between the investigator and the subject member.

One QPS member said:

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**They say that there is confidentiality in the complaints process, but I don't believe this to be true. The officers who are investigating the complaint, usually know, have worked with, or are friends with the subject of the complaint, especially if it is about a senior officer. During my matter, the District Officer at the time, which is the officer that I had to report the incidents to, was the [relative] of the subject member the complaint involved.**<sup>127</sup>

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It was not possible for the Commission to clearly identify where conflicts of interest existed from a desktop review of the material provided by the QPS. However, a QPS member told the Commission about a matter where an officer was tasked to investigate a failure of duty complaint against himself and his colleagues and did not declare any conflict of interest.<sup>128</sup> The conflict of interest that the Commission was told about was confirmed on a subsequent review of QPS documentation. The circumstances of that conflict of interest are set out below:

## CASE STUDY: OFFICER TASKED TO INVESTIGATE HIMSELF

This case involved the investigation of an allegation of domestic and family violence against a police officer. The initial investigation was conducted by an officer relieving at a higher level (as a supervisor) at a different station but who, in his substantive position, worked alongside and socialised with the nominated respondent.

The initial investigating officer found the allegation to be unfounded. The aggrieved then applied privately for a Protection Order and a Temporary Protection Order was granted. Two subsequent breaches were reported and the investigating officer for those matters determined that the reports were unfounded. The officer investigating the breaches also "*...had meetings, enjoyed coffees with, and socialised at work functions*" with the nominated respondent and the first investigating officer.

When the aggrieved made a formal complaint of inaction to the ESC, the officer assigned to investigate the complaint was the initial officer from the first investigation who had, by that time, returned to his substantive position. This officer did not declare his previous involvement in the matter. The result of his "investigation" was that he found that the complaint to the ESC (against himself and his colleagues) was unsubstantiated.<sup>129</sup>



Tasking an officer to investigate a complaint about a subject member who works in the same unit or establishment clearly raises a potential conflict. One QPS member gave the following example of how such a conflict might manifest:

[An officer accused of perpetrating domestic and family violence against his wife] was placed in an office within earshot of me. I could regularly hear him talking with everyone about the allegations of DV and giving his version of events. I would hear him on the phone to friends and family members as well. I would also hear other male officers continuously support him and reaffirm his version...

[The Professional Practice Manager] sat on the same building level, approximately 10-15 meters away from [his] office. Their offices were close enough that you could hold a conversation whilst being in each office.<sup>130</sup>

While the Commission appreciates it may be necessary in rural and remote locations to assign complaint matters to workplaces where the investigator and subject member are co-located, on review of discipline files provided by the QPS, the Commission observed this occurring at Police Headquarters and in police districts and stations in metropolitan areas including Brisbane. In these circumstances, it is reasonable to expect that complaints could have been assigned to officers outside of the subject member's district, command, and work location.

An increased risk of conflicts of interest also occurs when complaints about an officer are investigated by officers of an equal or lower rank than the subject member. Assistant Commissioner Scanlon agreed that these scenarios were "not ideal"<sup>131</sup> and should not occur "because you can't rule out the conflict of interest... In fact, it puts police in a very difficult position when that happens".<sup>132</sup>

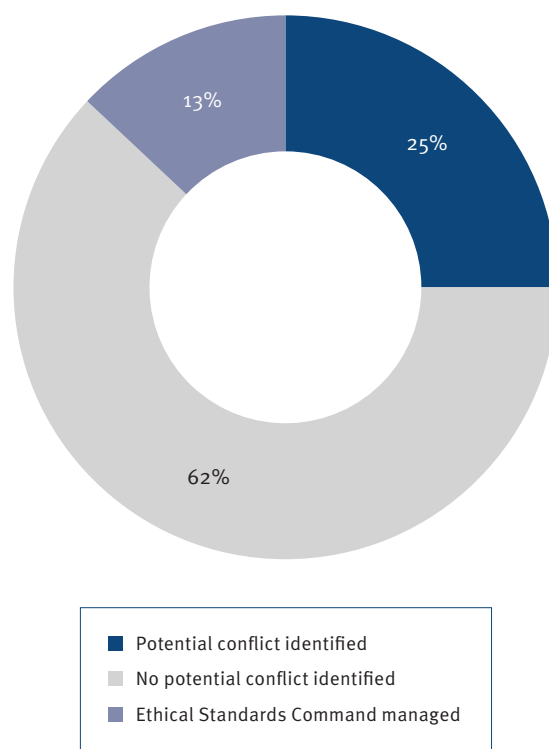
Detective Inspector Nixon's evidence identified the situation in which an officer of a lower rank investigates a subject member as problematic for reasons beyond conflicts of interest concerns. In a disciplinary investigation, an officer can be compelled to answer questions, but only if directed to do so by a senior officer.<sup>133</sup> Accordingly, an investigating officer would be unable to issue a direction to compel a response during an investigation of someone at equal or lower rank than them.

The Commission reviewed ESC records relating to allegations about QPS members as perpetrators of domestic and family violence, and failures of duty in responding to domestic and family violence matters, made between 30 May 2021 and 30 May 2022, to gain an insight into how frequently conflicts of interest of this kind might arise.

## CASE STUDY: POTENTIAL CONFLICTS BY RANK AND LOCATION

Between 30 May 2021 and 30 May 2022, 60 complaints relating to police officers alleged to have perpetrated domestic and family violence were identified. One quarter involved a potential conflict of interest where either the case officer was in the same work unit, station or establishment as the subject member, or the case officer was at the same or lower substantive rank as the subject member, as per the following graph:

CASE OFFICER LOCATION AND RANK  
– MEMBER INVOLVED DOMESTIC AND FAMILY VIOLENCE



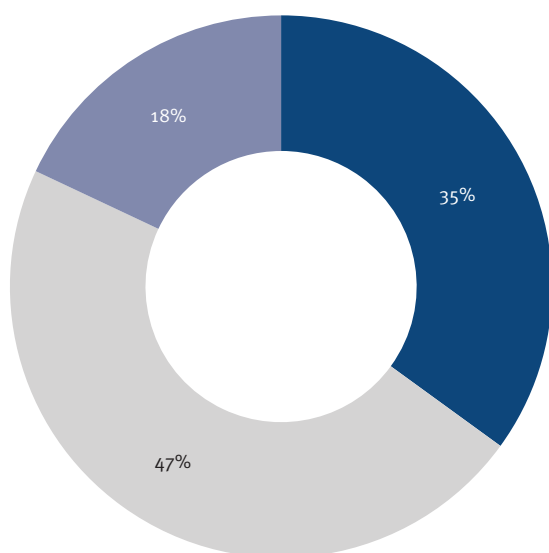
Potential conflicts identified includes:

- Case Officer in same work unit/station/ establishment as subject member
- Case Officer same substantive rank as subject member
- Case Officer lesser rank than subject member

Figure 44: Location and Rank of Case Officers in relation to the Subject Member they are tasked with investigating – Member Involved Domestic Violence Complaints – 30 May 2021 to 30 May 2022

Of the 114 complaints which alleged a failure of duty relating to a domestic and family violence matter over the same one year period, more than one third involved a potential conflict:

**CASE OFFICER LOCATION AND RANK  
– FAILURE OF DUTY**



- Potential conflict identified
- No potential conflict identified
- Ethical Standards Command managed

Potential conflicts identified includes:

- Case Officer in same work unit/station/ establishment as subject member
- Case Officer in same location and same substantive rank as subject member
- Case Officer in same location and lower substantive rank as subject member
- Case Officer same substantive rank as subject member
- Case Officer lesser rank than subject member

*Figure 45: Location and Rank of Case Officers in relation to the Subject Member they are tasked with investigating – Failure of Duty complaints – 30 May 2021 to 30 May 2022*

The Commission prepared this analysis by undertaking a desktop review of data specifically requested from the QPS. It required confirmation of the various terms used in free-text fields and clarification of missing or ambiguous data in the QPS material, a manual and time-consuming process that demonstrated that the current QPS systems lack the capability to easily capture the required data to identify the more obvious sources of potential conflicts of interest. The lack of reliable and complete data limits any meaningful and regular analysis within the QPS.

The Commission recognises that PIPS is a new system which was introduced in May 2021, which means its full capability has not yet been realised. However, the potential for information systems such as PIPS to meaningfully enhance the ethical health of the QPS will only occur if the QPS is committed to:

- ensuring the integrity of data entered into PIPS
- employing qualified staff to capture and analyse this data
- reporting these analyses across the organisation and to the broader community.

The Commission considers that the full benefits of PIPS will not be realised unless the QPS invests in its data quality and employs people who can effectively analyse and interpret this data for use by the organisation, and to report publicly. The Commission considers this represents a logical step given the significant investment of public money in PIPS and the persistent calls over time to build a data-informed approach to organisational ethics.

Even with a fully operational data management capability, the current conduct and complaints system does not have appropriate measures to avoid conflicts of interest. As a result, the system is incapable of ensuring a basic level of independence in the investigation of complaints against police.

## CULTURAL ISSUES IMPACTING INDEPENDENCE OF THE SYSTEM

Preserving independence in the police complaints system is not just a question of structure. It is also one of culture. Assistant Commissioner Scanlon acknowledged the role of the ESC in QPS integrity and public confidence:

**The purpose of the ESC is to protect the high standards of integrity and professionalism necessary to maintain the trust and support of the community.<sup>134</sup>**

This Report has identified that sexism, misogyny, racism and poor attitudes towards domestic and family violence exist within the QPS. Given the extent to which these negative cultural attitudes are, or may be, held by QPS members, it is reasonable to consider that those who are investigating such complaints against their colleagues and shaping the ethical health of the organisation may also hold similar views.

It is not suggested that all QPS members hold these attitudes but given the pervasiveness of the problem it is likely that at least a proportion of officers tasked with upholding the QPS “*high standards of integrity and professionalism*”<sup>135</sup> may not themselves authentically reflect this standard in their attitudes, beliefs and conduct.

One QPS member spoke of her experience within the ESC in 2019 in the following way:

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**I spent 3 months working in the complaint management area of Ethical Standards Command. During this time, I frequently witnessed negative attitudes towards women displayed to both civilian victims and serving female officers by ESC officers.**

**Examples of this include:**

- **victim blaming a female officer complainant for being intoxicated when she was a victim of a sexual assault by a colleague**
- **questioning the validity of an officer inflicted domestic violence complaint on his police officer partner because it was the second time, she had been a victim of domestic violence stating, “you’d think she’d learn the first time.” Further comments were made in the presence of high-ranking officers however I am unable to document them as they may identify the complainant officer**
- **Senior officers were also heard making comments regarding the newly created complaints area Juniper, that “just because you chicks don’t like getting grabbed on the arse anymore we have to behave.”<sup>136</sup>**

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Material obtained by the Commission from the QPS included information about some instances where officers within, or previously associated with, the ESC had behaved in ways which did not meet high standards of integrity and professionalism. Rather, they demonstrated sexist and misogynistic conduct.

In one case, an officer who had worked in the ESC engaged in inappropriate sexual conduct toward a female subordinate officer under his supervision over a four month period while he was on a secondment from the ESC. The officer’s role, when working within the ESC, included work in the Integrity and Performance Group which is responsible for providing support, assistance and advice to members regarding professionalism and integrity matters.<sup>137</sup> The offending behaviour included taking the female officer to his home and asking her to take photos of him without his clothes on, approaching a desk with his penis protruding from his jeans and placing his penis on her desk and taking the female officer to a nudist beach where he removed his clothes and swam naked in front of her, again asking her to take photographs of him.<sup>138</sup>

In another case, the Commission learned that a senior police officer who made a sexist ‘joke’ during a senior leadership conference in early 2022 had previously been an Inspector within the Internal Investigations Group of the ESC. He was removed from that role, around 13 years ago, after having behaved inappropriately by involving himself in a local police matter while intoxicated and off-duty and making inappropriate and disparaging comments about local police officers.<sup>139</sup>

The documented sexist behaviour of these two QPS members who were or had been members of the ESC, demonstrates that the ESC is not siloed or immune from negative cultural issues within the QPS.

Consciously or unconsciously, the culture of sexism, misogyny and racism is likely to impact individual investigations as well as organisational integrity and professionalism more broadly. A QPS member expressed this concern to the Commission in this way:

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**The internal Ethical Standards Branch of QPS protects their own, and the internal complaints system relies on other QPS officers reviewing decisions of their colleagues, which is futile given the QPS culture.<sup>140</sup>**

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In this way, there is a risk that the lack of separation between the QPS membership and its complaints management system creates a situation where problematic cultural issues may negatively affect the integrity of complaint investigations. This compounds the problem which arises because of the structural inability of the system to ensure that all conflicts of interest will be appropriately identified and managed. Both issues are serious deficiencies, and they are made worse by the lack of oversight by the CCC of the system.

The transition to a civilian control model through the establishment of an independent oversight body would address these issues and ensure independence is achieved. This is discussed in further detail within Chapter 19 of this Report.

## CONCLUSION

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The QPS conduct and complaints system is not currently the subject of sufficient oversight and monitoring by the CCC which is the independent body best able to provide that oversight.

Further, the internal conduct and complaints system lacks robust mechanisms to deal with potential conflicts of interest. There are ineffective mechanisms for ensuring the independence of investigating officers. Further, under the present system, the impact of cultural issues within the organisation, including in relation to sexism, misogyny and racism, cannot be siloed from the conduct and complaints system.

Further limitations with the conduct and complaints system are considered in the next chapter.



# 18 Effectiveness

During its inquiry, the Commission heard of many shortfalls in the effectiveness of the current conduct and complaints system. They included, but were not limited to:

- numerous examples of complaints about sexist, misogynistic and racist conduct resulting in inadequate consequences for the members who engaged in the conduct
- a lack of support for the people who endured the conduct
- missed opportunities to develop the ethical health of the organisation.

Some of those cases were brought to the attention of the Police Commissioner when she gave evidence on 5 and 6 October 2022. She accepted that those cases resulted in inadequate outcomes.

In the days after the Police Commissioner gave evidence, the Honourable Mark Ryan, Minister for Police and Corrective Services and Minister for Fire and Emergency Services was reported as saying:

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We've seen over the last couple of weeks with the commission of inquiry is that there is some quite appalling behaviour and there has been some instances where the system has failed victims, not only in the community but victims in the workplace.

I'm particularly appalled by that behaviour of police officers harassing or abusing their colleagues. I think that's disgraceful and goes against everything I believe in around safe workplaces.

Those people need to be called out and there needs to be consequences for that action.

Victims need to know and have confidence in the system, that [the] discipline framework will support them but also their workplace will support them.<sup>141</sup>

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The Commission has found that sexism, misogyny and racism are significant problems within the organisation. In addition, there is a culture of fear and silence which prevents many people from speaking out about their experiences of such conduct, and even prevents witnesses from doing so. The culture of fear and silence speaks to a conduct and complaints system which is ineffective and unfair.

If the system was effective and fair, Queensland Police Service (QPS) members would universally feel comfortable reporting such conduct, appropriate action would be taken to deal with the conduct, and the person reporting the conduct would be treated fairly. Evidence considered by the Commission shows that this does not consistently occur. People are not always called out, and there are not always consequences for poor behaviour. Victims do not know or have confidence that the system will support them.

These are all failings of the current conduct and complaints system. There is plainly a need for change.



## COMPLAINT OUTCOMES

As outlined below, there are four ways complaints are resolved within the current QPS conduct and complaints system:

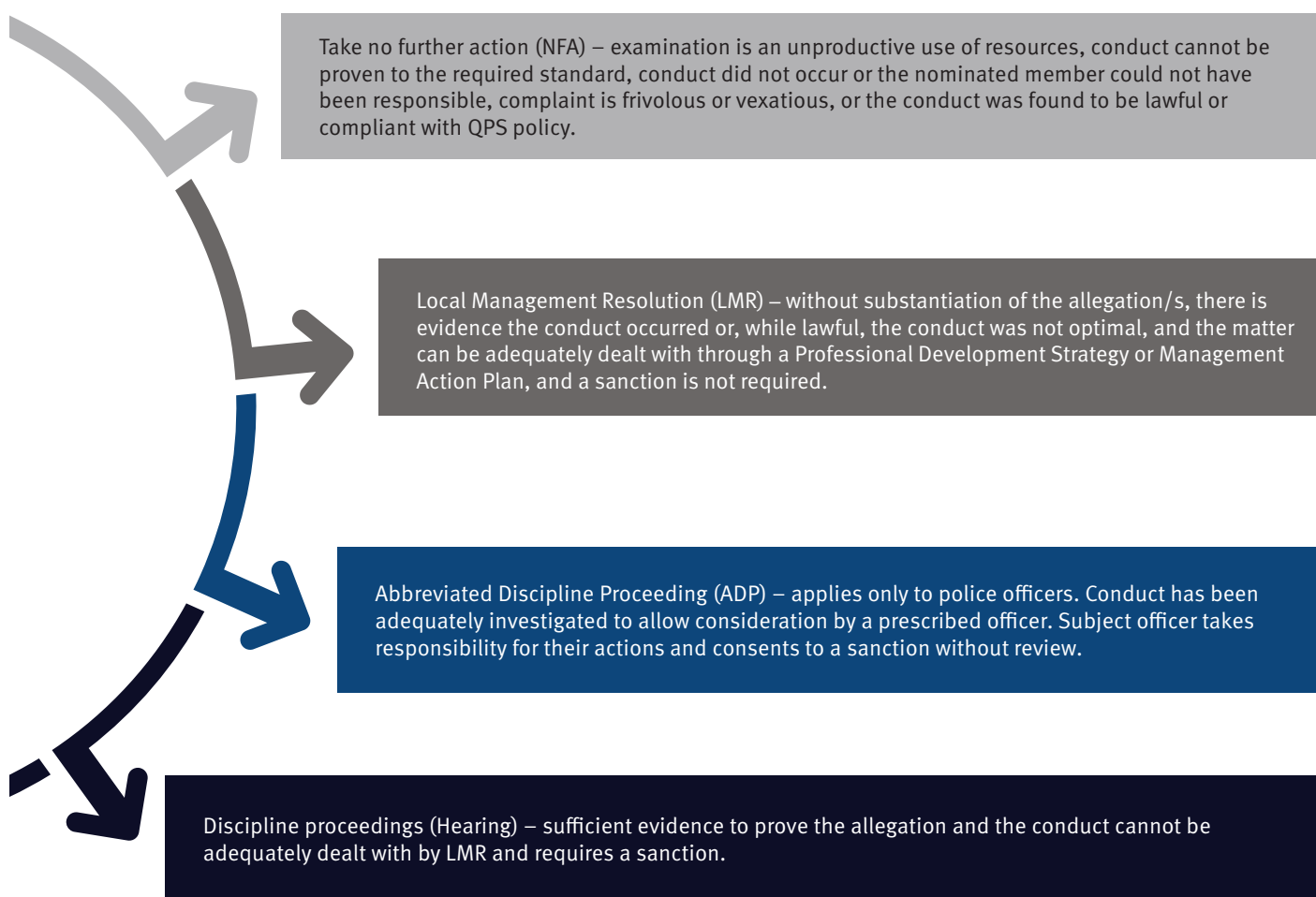


Figure 46: Options for complaint finalisation

Over the last five and a half years, just under 26,500<sup>142</sup> allegations about police conduct were received by the QPS and 24,348 (92.2%) of these allegations<sup>143</sup> were finalised through the internal QPS conduct and complaints system.<sup>143</sup>

As shown in Figure 47:

- no further action was taken in respect of 76% of the allegations<sup>144</sup>
- 20% were finalised through Local Management Resolution<sup>145</sup>
- 4% progressed to a disciplinary process of some kind (3% proceeded to hearing)<sup>146</sup>
- approximately 1% (0.8%) were finalised by an Abbreviated Discipline Proceeding.<sup>147</sup>

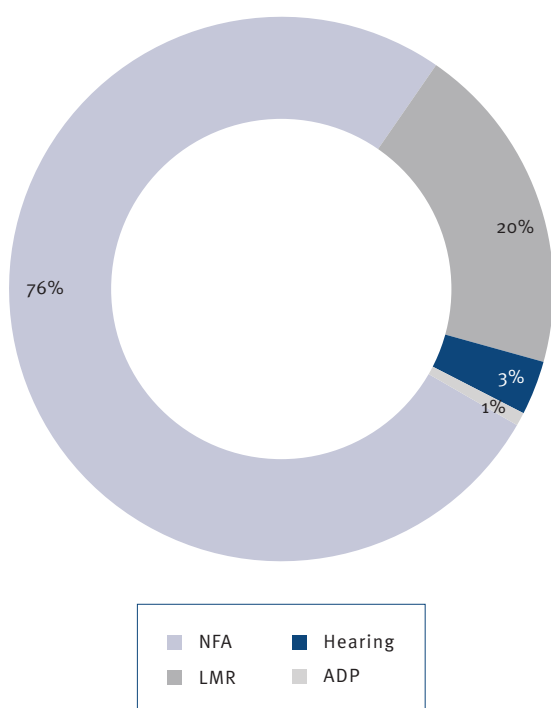


Figure 47: Outcomes for finalised allegations between January 2017 and June 2022

Though the figure of 76% of allegations finalised with no further action may seem high, it is not markedly different from other Australian jurisdictions. For example, in Victoria less than 10% of all complaints to police are substantiated.<sup>148</sup> The effectiveness of a complaints system is also not necessarily reflected in the number of substantiated complaints. Instead, the effectiveness of a complaints system should be assessed by:

- its ability to investigate the truth of an allegation
- how it guides, corrects, or disciplines officers using appropriate and timely responses or sanctions
- whether those who make complaints are respected and supported
- whether it supports and upholds an organisation's ethical standards.<sup>149</sup>

## RECENT AMENDMENTS TO THE CURRENT SYSTEM

Major amendments to the current conduct and complaints system occurred as a result of the *Police Service Administration (Discipline Reform) and Other Legislation Amendment Bill 2019* (the 2019 amendments). These reforms sought to facilitate structural changes within the QPS system, and to enable new management practices to identify and correct behaviour and improve performance in a timely way.<sup>150</sup>

A key legislative reform was an explicit recognition that the purpose of discipline is to guide, correct, rehabilitate and, where necessary, sanction officers to uphold high levels of professionalism and integrity across the organisation.<sup>151</sup> This emphasis on restorative principles within the conduct and complaints system culminated in the formalisation of the Local Management Resolution process, which resolves complaints by empowering managers to build the ethical and professional practice of those they manage.

The 2019 amendments also aimed to improve the timeliness of the complaints management and discipline system by introducing Abbreviated Disciplinary Proceedings<sup>152</sup> and statutory time limits.<sup>153</sup> Detective Inspector David Nixon, of the Ethical Standards Command (ESC), informed the Commission that where a complaint file is subject to a six month time frame, “...the expectation is it would be completed in three months so there is sufficient time to process it for a sanction if that was required”.<sup>154</sup> QPS data on domestic and family violence related complaints obtained by the Commission indicate the 2019 amendments have enhanced the timely resolution of complaints.<sup>155</sup>

The Commission appreciates that streamlining discipline matters was prioritised in response to general stakeholder dissatisfaction about excessive delays that were revealed during reviews of the discipline system. The explanatory notes to the Bill for the 2019 amendments observed that there had previously been “unnecessarily lengthy timeframes taken to investigate and resolve some complaints”. However, imposing strict timeframes may also have implications for the thoroughness of the investigations.<sup>156</sup>

While improvements appear to have been realised with respect to timeliness, an over-reliance by the QPS on Local Management Resolution has also resulted in unintended consequences. These include:

- superficial investigations of serious conduct
- inadequate outcomes which fail to address the concerning behaviour or protect the ethical health of the organisation
- insufficient support for those impacted by the conduct.

## LOCAL MANAGEMENT RESOLUTION

As outlined above, under the current conduct and complaints system, three quarters of allegations against police result in no further action by the organisation.

Local Management Resolution (LMR) is used in 83% of the remaining matters where action is taken.<sup>157</sup> The graph below shows the range of outcomes associated with those cases on which the organisation did take further action over the same period:

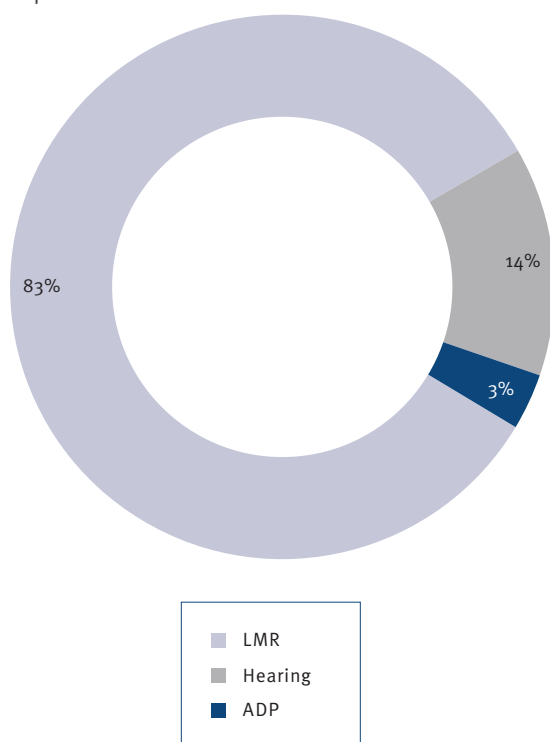


Figure 48: Outcomes of finalised allegations handled by the QPS not resulting in 'no further action' between January 2017 and June 2022

An evaluation of the adequacy of the Local Management Resolution process is fundamental to an assessment of the overall effectiveness of the current conduct and complaints system, given its frequency of use.

Local Management Resolution is intended to apply to conduct that:

- is minor in nature
- is unlikely to be repeated
- is not indicative of a course of conduct
- the subject member's manager believes it is best suited to a swift local management strategy response.<sup>158</sup>

A full investigation or substantiation of the allegations is not a prerequisite for the imposition of Local Management Resolution.

Local Management Resolution has a rehabilitative focus, which is an important aspect of any conduct and complaints system. The QPS Complaint Resolution Guidelines confirms the rehabilitative focus of Local Management Resolution, and recognises that there must be authenticity in its application:

**LMR is a remedial approach which recognises members will make genuine mistakes and provides a learning and development approach aimed to**

**improve performance and align the member's behaviour with the organisation's principles. LMR should not merely default to the delivery of managerial guidance or chastisement as a tool to address behaviour. Rather, it should involve genuine engagement by a supervisor with the member, where a raft of management options is explored.<sup>159</sup>**

Corrective measures such as appropriate training, including by way of online learning products, are accessible to support Local Management Resolution. However, in practice, almost half of the matters resolved by Local Management Resolution involve a manager engaging in a private conversation with the officer about their behaviour, without further measures being used.<sup>160</sup>

The fact that Local Management Resolution has taken place is recorded on the QPS member's employment and disciplinary history, along with any associated professional development strategy.<sup>161</sup>

### USE OF LOCAL MANAGEMENT RESOLUTION FOR SERIOUS CONDUCT

Local Management Resolution is intended to be used to address minor errors such as a failure to check a court brief, a failure to update QPRIME records in accordance with QPS policy, or inappropriate use of a police vehicle. However, the Commission observed many examples of Local Management Resolution being used inappropriately, including in instances of sexism, misogyny and racism or cases of protracted bullying. The Commission also identified examples of Local Management Resolution being used where a police officer is alleged to have been the perpetrator of domestic and family violence.

Where allegations are made that a police officer has been the perpetrator of domestic and family violence, Protection Orders are often made in the courts without the need for findings of fact because, in many cases, orders are made by consent and without admissions. However, a robust conduct and complaints system should nonetheless ensure a full investigation is conducted into what are often serious allegations. A failure to do so represents a failure by the organisation to demonstrate consistent and appropriate responses to domestic and family violence that meet community standards.

The QPS data for the 10 year period from January 2012 to December 2021 demonstrates that over 70% of allegations that a police officer had perpetrated domestic and family violence were resolved by 'no further action'. In some cases, this was because:

- there was insufficient evidence to proceed
- an investigation was an unjustified use of resources
- the officer resigned or retired prior to any outcome.

Of the allegations that were assessed as having sufficient evidence to proceed, almost a third<sup>162</sup> were resolved by way of Local Management Resolution.<sup>163</sup>

Disciplinary files obtained from the QPS include an example of a Senior Constable who was a respondent in a Protection Order which named his wife as the aggrieved. During an episode of violence he punched a hole in a door in front of his wife and son. Although he admitted the conduct, he was dealt with by way of Local Management Resolution, which included being provided with guidance about ethical principles and the personal conduct expected of QPS members.<sup>164</sup>

THE BELOW EXAMPLES OF THE ISSUES OF SYSTEMIC BULLYING, SEXISM AND MISOGYNY, RACISM, AND INADEQUATE RESPONSES TO DOMESTIC AND FAMILY VIOLENCE IN THE QUEENSLAND POLICE SERVICE WERE ALL RESOLVED THROUGH LOCAL MANAGEMENT RESOLUTION.

**Sexual harassment** of three female police officers by a **Senior Constable** over a **six month period**. Conduct included asking female colleagues if they enjoyed anal sex; stating **“I just wanted to watch you bend over”**; commenting that a female colleague’s “ass” looked like a pancake and she should let him help her by taking her to the gym to make it bigger; and taking photos of female officers and sharing them with friends without consent.

**“I just wanted to watch you bend over”**

**“These lickers will never get a job in this office”**

## REPEATED/SYSTEMATIC BEHAVIOUR

**“Would you like to lick their moot?”**

**Bullying and continual sexualised comments** by an **Officer in Charge** over a period of **seven months**. Conduct included asking junior officers under his supervision **“would you like to lick their moot?”** when pointing at females, then hounding them for a response if they did not answer and creating a toxic work environment for his employees.

**Inappropriate and sexist behaviour** by a **Sergeant** over a **two year period**. Examples include stating “we need a hot little piece like [female employee name]” to attract males to the workplace and the Sergeant indicating that he undercharged a female because she was standing there **“with those big tits”**.

**“Hot little piece”**

**Systemic bullying and repeated negative workplace behavior** by an **Officer in Charge** over a **13-year period**. Conduct included:

- Yelling, making threats, swearing, openly criticising members, making inappropriate comments, referring to members by inappropriate names (such as fuck-head) and extending favoritism all of which created a working environment where discord and enmity flourished.
- Allowing sexist material to be displayed including an image of a female in swimwear titled “Tap and Go” and allowing five magnets of females in lingerie on the work fridge.
- Sending pornographic images to officers in the station.
- Stating **“these lickers will never get a job in this office”** in respect of two female job applicants.
- Racist behavior such as referring to an officer as **“Osama”** or **“Towel Head”** and allowing mock certificates for completion of **“Al Qaeda Car Bombing”** course, **“Covert Al Qaeda Operative”** course and **“Suicide Jacket Making”** course to be displayed on the work notice board.

**“My lovely”**

**Repeated sexual harassment** by a **Sergeant** in the position of **shift supervisor** of **three junior female officers** under his supervision over a period of **at least 10 months**. Conduct included stretching his groin in front of one of the women while groaning; putting his hand on top of hers to move a computer mouse, telling her she had nice “pins”, and singing to her **“oh [female employee name] you’re so fine you blow my mind”**; sitting overly close to another female officer, including on her desk, and finding reasons for them to be alone at the station by changing taskings. He sent a text message about a female officer stating, **“is it obvious I think she is breathtaking”**.

**“You’re so fine you blow my mind”**

A **Senior Constable** using terms including **“dog”, “snake”, “cunt”, “gay”** and **“fuck knuckles”** to **bully** colleagues.

**“Dog”**

**Repeated sexual harassment** of a female **First Year Constable** by a **Senior Constable**. On her **first day** at the new station the more senior officer asked for her phone number and from that point sent her daily messages and referred to her using pet names such as **“love”, “darling”, “my lovely”,** and **“babe”**. The behavior culminated in the Senior Constable inviting her to massage him.

**“Vagina-whisperer”** Deputy Commissioner describing a gynecologist while delivering the opening remarks at a leadership conference, on behalf of the Police Commissioner.

**“I’m not trying to be a creep or anything, but I really like what you’ve got going on here.”** A male officer moving his arms and hands around in a waving motion towards a female employee.

**“She is nothing but a cunt, and if she doesn’t give me a relieving role, I am going to punch her in the cunt.”** Senior Constable about his female Officer in Charge.

## SEXISM AND MISOGYNY

**“Did she shut her legs on you?”** Acting Chief Superintendent at a Senior Leaders Conference, shouted out to the Master of Ceremonies who had a visible injury to his face and had in jest referenced a rough promotional process.

**Inappropriate and offensive comments** made by a Senior Constable while responding to a domestic and family violence matter, which included telling the male respondent **“we don’t just come and start believing the bitches”** in response to the respondent claiming his assault was justified because of the women’s behaviour, the male officer stated **“that’s exactly right, fucken oath”**.

**Inappropriate behavior** towards a female victim in a domestic and family violence matter by a Senior Constable on two occasions. Conduct included the police officer telling the domestic and family violence victim that he was **“a bad boy and probably shouldn’t be a police officer”** and that she was **“too good looking to be dealing with the breaches”**. On a later date the officer sent texts to the victim in relation to the breach investigation, including one text which said that they should **“hook up soon”**.

## POOR RESPONSES TO DOMESTIC AND FAMILY VIOLENCE

**“Too good looking to be dealing with the breaches”**

**“We don’t just come and start believing the bitches”**

**“Fucking dumb slut”** A male officer, who attended a domestic and family violence call for service, can be heard to call the woman a **“fucking dumb slut”** on his body-worn camera.

**“She’s a psycho. Why would you want to go there anyway?”** A Senior Constable to a male respondent in a domestic and family violence matter when serving a Police Protection Notice. The officer also told the respondent that he would look after him.

**“Smelly old dugong”.** Senior Sergeant in reference to female Aboriginal officer to a more junior female officer of Aboriginal heritage and in front of a group of officers in the station meal room.

A non-Indigenous Senior Constable officer conducted an Acknowledgement of Country to an Indigenous support organisation. He used a mocking ‘First Nations’ accent.

**“If it wasn’t for me, you’d still be driving a taxi”**

**Racist Facebook** posts made by a Senior Constable including:

- Posting a picture of a dark-skinned baby sleeping with their arms positioned behind them captioned **“How cute! Baby dreaming about being arrested like his father”**.
- Posting a video of a naked Aboriginal woman captioned **“somebody just fucked my day up so I’m gonna do the same for you”**.

## RACISM

**“The boong car”** A junior officer referring to a police vehicle painted with First Nations artwork.

**“Coons”** and **“the black ones”**. A Sergeant working in the watchhouse referring to First Nations prisoners and Sudanese prisoners.

Systematic bullying of **10 Police Liaison Officers** by the **Officer in Charge of the Cross Cultural Liaison Office**. Conduct included yelling, swearing, belittling staff and threatening three Police Liaison Officers over the security of their jobs, stating he would fire them, cause them to lose their job or be sacked and in relation to one officer stating **“I got you your job”** and **“if it wasn’t for me, you’d still be driving a taxi”**.



## NO IMPEDIMENT TO PROMOTION

The Commission identified further issues in relation to the extent that Local Management Resolution is considered during promotion.

Although the outcome of Local Management Resolution is recorded on an officer's employment and disciplinary history, the conduct which prompted the Local Management Resolution may not be adequately considered during any subsequent promotional process.

Consideration of Local Management Resolution action, or indeed any disciplinary history, is at the delegate's discretion during vetting for promotion. As Local Management Resolution does not involve a full investigation or substantiation of any allegations, there may be limited information available to the delegate about the behaviour that led to the complaint.

As noted earlier in this Report, a then-acting Chief Superintendent was promoted approximately a month after receiving Local Management Resolution for a public display of sexism at a QPS senior leadership conference in early 2022. A promotion in such circumstances has consequences for the wider culture of the organisation. Promoting an officer shortly after a display of sexism or misogyny reinforces the perception that the organisation does not take sexism and misogyny seriously and may further discourage complainants from coming forward to report poor behaviour.

The Commission received many submissions from QPS members expressing disappointment about the handling of the acting Chief Superintendent's matter, particularly his subsequent promotion. It is clear that there is a perception among the QPS membership that the complaints system is not effective or fair. Members feel disillusioned when they hear about the promotion of senior officers who they feel are undeserving because of their conduct. One QPS member, expressing a view heard by the Commission many times, said:

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**Commissioned officers are generally not disciplined when they do something intentionally wrong. It is known that Commissioned officers will not discipline their own. If any type of discipline is given, it is in the form of Local Managerial Resolution, as you have found with [the Deputy Commissioner] and [Chief Superintendent]. When the QPS Commissioner says they were dealt with by LMR, that means nothing happened. As evidenced when [the then acting Chief Superintendent] was promoted shortly after.<sup>165</sup>**

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Another QPS member, again expressing a view heard many times by the Commission, said:

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**When you constantly see poor performance and bad behaviour rewarded, and watch hard working genuine people, who are excellent at the job get pushed aside, you just get disillusioned with the entire system...<sup>166</sup>**

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These, and other submissions which expressed similar views, demonstrate a lack of trust in, and a view of the ineffectiveness of, the conduct and complaints system among QPS members.

## A BROKEN SYSTEM

When Local Management Resolution is used to deal with conduct arising from sexism, misogyny, racism, or an allegation that a police officer has perpetrated domestic and family violence, the conduct and complaints system fails the parties involved, the membership as a whole, and the community.

Local Management Resolution does not require the manager to conduct a full investigation into the conduct which is the subject of complaint. In cases of sexist, misogynistic and racist conduct, an outcome of Local Management Resolution represents a failure to appreciate the gravity of the matter and conduct a proper investigation.

A failure to adequately deal with serious complaints discourages officers from reporting the cultural issues that permeate the QPS. Where such conduct is dealt with in an informal way, the organisation sends a message to its membership that the matter is not taken seriously. Where the offender is subsequently given a promotion or relieving duties, then the message is clear – this type of behaviour will not impede career progression in any discernible manner.

In this way, the conduct and complaints system fails to address sexism, misogyny and racism, or other serious conduct dealt with by Local Management Resolution. By demonstrating a tolerance for inappropriate or unacceptable conduct, the organisation creates the conditions in which such cultural issues can flourish.

The QPS recognises Local Management Resolution has been overused. The Police Commissioner accepts that the Local Management Resolution system is “*broken*”.<sup>167</sup>

In a Commission hearing on 5 and 6 October 2022, the Police Commissioner was taken to a number of the examples of conduct involving sexism, misogyny and racism that had been dealt with by way of Local Management Resolution. She acknowledged this was inappropriate and resulted in a failure to make it clear to the organisation that such conduct would not be tolerated.<sup>168</sup> She continued:

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**But it's not just that. It's also that the offender has not been dealt with appropriately. But in LMR it's currently difficult for me to find how the victim was supported as well.<sup>169</sup>**

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The Police Commissioner agreed that female QPS members, and the organisation as a whole, are “*repeatedly let down*” when Local Management Resolution is used in such cases.<sup>170</sup> She agreed that sexist and misogynistic conduct should be “*called out and better dealt with*” than the use of Local Management Resolution permits.<sup>171</sup>

The Police Commissioner also agreed that dealing with this type of conduct by way of Local Management Resolution sends a message to women who are anxious about speaking out about sexist and misogynistic conduct that there is really no point because doing so will result in no consequence.<sup>172</sup>

The negative consequences that flow when serious matters are not managed properly by the conduct and complaints system are considered in the next section.

## CONSEQUENCES OF THE SYSTEM'S INEFFECTIVENESS

### MISSED OPPORTUNITIES TO IMPROVE THE ORGANISATION'S CULTURE

The Commission heard repeated concerns from QPS members about the current conduct and complaints system being used by the organisation to “sweep matters under the carpet”<sup>173</sup> instead of calling out behaviour which is contrary to community or QPS standards.

A female police officer subjected to systemic bullying by her supervising Sergeant over a protracted period told the Commission about her experience of discovering the matter had been dealt with by way of Local Management Resolution:

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Despite the investigation being conducted, it was clear that the result of the complaint was “*written off*.” I received a letter advising that the complaint had been finalised but I was never informed of the outcome. I have heard that my boss and the OIC who were the subject of the complaint joking and boasting about “*only getting an OLP [online learning product] out of it*”.<sup>174</sup>

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The following case study provides another example of the conduct and complaints system resulting in an inadequate outcome which is unlikely to improve the organisation's culture:

### CASE STUDY: REWARDING POOR BEHAVIOUR

The CCC sought review by the Queensland Civil and Administrative Tribunal (QCAT) of a decision made in July 2021 by a prescribed officer of the QPS Office of State Discipline, on the basis that the sanctions were inadequate, failed to meet the need for deterrence, did not reflect the seriousness of the conduct and did not meet the purpose of discipline proceedings. The substantiated misconduct of the subject member, a Senior Constable, included wilfully and repeatedly following, watching and harassing a junior female officer with whom he had previously been in an intimate partner relationship, and of accessing official and confidential information in connection with the female officer without authority.

The Senior Constable was also charged criminally with unlawful stalking, which was discontinued and a restraining order put in place, and two counts of computer hacking for which the officer pleaded guilty and was fined with a conviction not recorded.

The sanction imposed as part of the Abbreviated Discipline Proceeding was demotion from Senior Constable 2.5 to Constable 1.6 for a period of six months, to be suspended after three months subject to no further misconduct being substantiated during the period of demotion, and the completion of two training products related to professional practice and ethics.

While the Senior Constable had no relevant misconduct history and he did not contest the substantiation of the allegations, the CCC submitted the conduct of the officer demonstrated lack of judgement and restraint, misuse of agency resources and displayed grave on and off-duty conduct, including criminal acts.

The Senior Constable acted in direct contravention of training, experience, QPS policies and procedures and the direction of a superior officer. He continued to contact the female officer, on the same day, after being told by an Inspector he was not to do so under any circumstances. Further, the Senior Constable's unauthorised access of QPS information in connection with the female officer commenced more than two years prior to the relationship ending, suggesting unlawful surveillance of her from the outset. The discipline file notes the Senior Constable was aware of the impact of his behaviour and that his conduct was improper and unacceptable to the QPS but he appeared unable to stop himself. The conduct only ceased upon a formal police response to a Triple Zero call by the female officer, which resulted in the Senior Constable being detained and charged.

Since the imposition of the discipline sanction, the Senior Constable has been given relieving opportunities at Sergeant level, placing him in a position of greater responsibility and where he has provided direct supervision and mentorship of junior officers.

QCAT's decision remains pending.<sup>175</sup>

Failing to hold police officers who engage in serious misconduct accountable in a meaningful way amounts to missed opportunities for the QPS to set the ethical tone for the organisation by reinforcing professional behaviours and admonishing unacceptable behaviours. The importance of imposing adequate sanctions cannot be underestimated.

## NO BEHAVIOURAL CHANGE

The current conduct and complaints system also does not necessarily lead to individual behavioural change, particularly given the prevalent use of Local Management Resolution. As one QPS member told the Commission:

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**...one thing that I find with respect to these types of things that occur is that there's no consequence for these officers. They conduct themselves in this way, and regardless of whether a shift supervisor speaks to them in relation to their behaviour and how they may be able to do things better in the future, whether it is escalated to the officer in charge and that officer speaks to them, there's no behaviour change with these people.**<sup>176</sup>

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The Police Commissioner agreed that when Local Management Resolution is used for serious conduct, there is a risk that behavioural change will not occur.

She said, of sexist and misogynistic conduct dealt with by way of Local Management Resolution:

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**When it's not dealt with appropriately it almost gives people like this permission to act the way they do.**<sup>177</sup>

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The Commission received a number of submissions from QPS members who raised concerns with the ineffectiveness of the conduct and complaints system in creating behavioural change. One QPS member said:

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**The issue of culture that I want to speak about is the "discipline system". I as a low level police officer with 20 years experience see how this system affects the "subordinates". When you see someone who has been under investigation multiple times, or have heard the rumours, then you become very disgruntled with the whole system. You start to feel that the best way to get promoted is to stuff up. The QPS does not seem to deal with the problem, they move it, or promote it.**<sup>178</sup>

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Local Management Resolution is particularly ineffective when poor behaviour is the result of entrenched cultural attitudes held by officers. This is demonstrated by the number of police officers who were the subject of several complaints, each separately finalised by Local Management Resolution. The following case study highlights this issue:

## CASE STUDY: REPEAT USE OF LOCAL MANAGEMENT RESOLUTION FOR DOMESTIC AND FAMILY VIOLENCE RELATED ALLEGATIONS

The Commission undertook a manual analysis of data and additional material requested from the QPS<sup>179</sup> in relation to officers who had accumulated more than one complaint across a 10 year period from 1 November 2012 to 31 December 2021 involving allegations associated with domestic and family violence.

After this initial assessment, the Commission conducted a detailed examination of all events associated with officers who accumulated three or more complaints, as this reflected a strong measure of their behaviour, and the QPS response to their behaviour over time.

In total, there were 24 individuals over the 10 year period who accumulated three or more separate complaints involving at least one failure of duty allegation or one member involved domestic and family violence allegation. Of these 24, almost 30% (seven individuals) accumulated complaints over the period involving both failure of duty allegations and domestic and family violence related allegations.

Of the 24 officers who accumulated more than three complaints over the 10 year timeframe, one third (eight individuals) recorded at least one Local Management Resolution in response to a domestic and family violence related allegation. In all but one of these eight cases (or 88%), the individual accumulated an additional complaint involving a domestic and family violence related allegation after receiving their Local Management Resolution outcome.

The subsequent domestic and family violence related allegations for five of these seven (or 71%) individuals were either assessed as having sufficient evidence to proceed (three officers) or resolved again using Local Management Resolution (two officers). For these five individuals, the average time between their first Local Management Resolution outcome and their next complaint involving domestic and family violence was under one year.

This analysis confirms concerns about the ineffectiveness of Local Management Resolution as a driver of behavioural change, even over a short timeframe. The assessment of these cases demonstrates that Local Management Resolution did not achieve its goal as described in the QPS Complaint Resolution Guidelines: “[t]he intention of resolving disciplinary complaints through LMR is to provide a remedial approach to improve the conduct of members as an outcome to a complaint”.<sup>180</sup>

It also highlights the need to consider the appropriateness of any use and reuse of Local Management Resolution for individuals who attract multiple allegations of the same conduct, particularly given the intended use of this approach as outlined within the QPS Complaint Resolution Guidelines:

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**...conduct which is appropriate to be addressed by Local Management Resolution (LMR) and is a ground for discipline other than misconduct (is minor in nature, unlikely to be repeated, is not part of an existing course of conduct, and is suited to expeditious LMR).**<sup>181</sup>

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While the Commission’s analysis focussed exclusively on allegations relating to domestic and family violence, it also identified problems with the use and reuse of Local Management Resolution in other categories of serious conduct repeated by individuals. Consistent with the QPS Complaint Resolution Guidelines,<sup>182</sup> the Police Commissioner said in evidence that Local Management Resolution “*should never be applied twice, three, four times, and it should never be applied to ... serious matters. It was not brought in for that purpose*”.<sup>183</sup>

The Senior Constable referred to earlier who was dealt with by way of Local Management Resolution for domestic and family violence toward his wife, is another example of its ineffectiveness in achieving behavioural change. Five months after his Professional Development Strategy was finalised, he used sexist language and threatened violence to a superior female police officer after she advised him that he had been unsuccessful in his application for relieving in a higher role.<sup>184</sup>

The effectiveness of Local Management Resolution as an outcome is also undermined if it is administered in a way that normalises or fosters problematic attitudes, or where the importance or seriousness of that guidance is trivialised. An example of this was provided to the Commission in one of the very few complaint files that contained an electronic record of the Local Management Resolution conversation.<sup>185</sup>

A Superintendent providing Local Management Resolution to another male Senior Constable who had sexually harassed a female constable over a four month period, including at times when he was her supervisor, showed familiarity with the officer he was investigating (they had previously worked together) and at times trivialised the process by various statements he made to the subject member, including:

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**Mate, I’m sorry to do this to you.**

**Just so you are aware it’s not a disciplinary matter at this stage, it’s just a management issue and I just want to talk through what I think we should be doing and some other stuff.**

**I am aware of a few things that have occurred, unfortunately the matter has gone above me.**

**I don’t want you to think that I am blaming you in any sense.**<sup>186</sup>

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In this case, the use of Local Management Resolution as the appropriate outcome was approved on the basis that the Senior Constable had acknowledged the inappropriate nature of this conduct. However, in fact, the Senior Constable minimised and denied his conduct throughout the Local Management Resolution process. The recording demonstrates he made the following minimising statements:

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**I can see where she has misconstrued it.**

**I can see how she has read it as being inappropriate but that wasn’t its intention.**

**It was a joke.**<sup>187</sup>

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Two weeks after this conversation, the Senior Constable was advised by his Assistant Commissioner that:

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**I am satisfied that this complaint has been adequately addressed through managerial process. No further action will be taken in relation to the complaint and no adverse inference will be placed on your personal file.**<sup>188</sup>

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Despite the Local Management Resolution being acknowledged as appropriate, there was no understanding or ownership by the Senior Constable of the seriousness of his behaviour and accordingly, Local Management Resolution is likely to have had limited impact on the attitudes and values that underpinned his behaviour.

Ultimately the only person who suffered a consequence was the junior female officer, and she resigned two years later. Her separation letter indicated the primary reason for her resignation was the inappropriate resolution of the Senior Constable’s harassment, and the bullying inflicted on her by other officers after she had made her complaint.

Her letter informed the organisation that:

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After being sexually harassed, I was then ignored and intimidated, ostracised, spoken badly about and punished for speaking up.... My workplace was never the same. I had various male colleagues ignore me and deliberately not include me in discussions or in social events like morning coffee. The level of distrust was soul destroying and it destroyed my career. I could not rectify it. I often wonder how these colleagues would react if their wives or daughters were unfairly victimised like this in a workplace on top of being sexually harassed.<sup>189</sup>

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Six months later, the Superintendent who conducted the Local Management Resolution was himself the subject of discipline, also resolved by Local Management Resolution, for passing a note with the word “loose” written on it to another panel member when he was the convenor of a job interview panel, in reference to a female interviewee.<sup>190</sup>

## THE LEADERSHIP’S CONTRIBUTION TO THE INEFFECTIVE SYSTEM

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Following the Fitzgerald Report the link between professional practice and leadership and the importance of authenticity in police conduct and complaints systems was confirmed by researchers. The *Report on the Service Delivery and Performance Management Review of the Queensland Police Service* (2008) cited research which found:

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**An effective supervisor who can detect potential poor conduct or disciplinary issues and, through good leadership and formal and informal management techniques can “turn them around” will provide a greater benefit to an organisation, the individual and the community than the most rigorous application of disciplinary processes.**<sup>191</sup>

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After being presented with the evidence of the use of Local Management Resolution in cases involving sexism, misogyny and racism, the Police Commissioner gave evidence that “*the whole process around LMR [gave her] concern*”<sup>192</sup> and accepted that the Local Management Resolution system was “*broken*”.<sup>193</sup> Despite this acceptance, the Police Commissioner did not take responsibility for the poor health of the QPS complaints management and discipline system. Rather, she sought to attribute the inappropriate use of Local Management Resolution to:

- an inconsistent application of the system in districts<sup>194</sup>
- limited training over the past three years on how Local Management Resolution should be utilised<sup>195</sup>
- difficulties in oversight “*because at the moment it is a manual system*”.<sup>196</sup>

The Police Commissioner told the Commission:

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The LMR system as it currently stands is looked at at Ethical Standards when complaints come in. It goes out into the districts, and since the legislation has come in three years ago very little training because of many reasons—...So what we find is – and just recently because they have to pull the data manually – is extraordinary inconsistency how it’s applied but inappropriately applied, and that’s what’s occurring here.<sup>197</sup>

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The Commission does not consider that the blame for the failing of the Local Management Resolution system lies squarely at the feet of the districts or results from limited training. Rather, both the ESC and the Police Commissioner, as the leader of the organisation, have played a role in that failure.

## ROLE OF THE ESC

Following the Police Commissioner’s acceptance that the Local Management Resolution system was broken, the Commission received correspondence from Assistant Commissioner Cheryl Scanlon of the ESC, to advise amendments to the current system had been approved. Specifically, she noted the QPS had approved a “*...temporary central Case Manager (Superintendent level and support staff) to determine complaints involving allegations of sexist, misogynistic, racist and/or homophobic behaviour.*” The letter also announced centralised oversight and control of decision-making in assessing the suitability of outcomes and sanctions, including Local Management Resolution.

However, as the command responsible for discipline, professional practice and ethical health, the ESC already assumes an influential role in how Local Management Resolution is applied and promoted. The Police Commissioner’s evidence, coupled with the recently approved amendments, inaccurately downplays the ESC’s current influence on Local Management Resolution.

ESC officers, including Professional Practice Managers, have an integral role at many decision points when resolving matters by Local Management Resolution, through consultation, approval, overview or review.<sup>198</sup> Consequently the influence of the ESC in the Local Management Resolution process extends beyond an initial assessment.

An example of the influence of the ESC was referred to the Police Commissioner during evidence on 6 October 2022. The Police Commissioner acknowledged the inappropriate use of Local Management Resolution for an Officer in Charge who had engaged in repeated bullying and negative workplace behaviour toward nine complainants over a 13 year period.<sup>199</sup>

The complaint files for this case demonstrate that the decision to resolve the matter by Local Management Resolution was reviewed at the highest levels of the ESC, that is by the Assistant Commissioner. The original outcome decision was recommended by a Senior Sergeant Professional Practice Manager from the ESC and approved by the Superintendent District Officer.



One of the officers impacted by the conduct of the Officer in Charge challenged the adequacy of the outcome. The decision to impose the Local Management Resolution was reviewed by the Assistant Commissioner of the ESC who confirmed it was an appropriate response to such behaviour and that it upheld the remedial and restorative principles of the QPS discipline system.

The letter advising the outcome of the review of the Local Management Resolution in that case provided:

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**Having had the investigation reviewed, I am satisfied that the investigation was complete with the recommendations supported by facts established from the investigations. I am also satisfied that the approach of applying a management response to treating the behaviours is consistent with the requirements of the *Police Service Administration (Discipline Reform) and Other Legislation Amendment Bill 2019*.<sup>200</sup>**

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## ROLE OF THE POLICE COMMISSIONER

The legislative reform which formalised the Local Management Resolution process occurred in October 2019, approximately three months after the current Police Commissioner assumed her role. It is not suggested that the failings of the Local Management Resolution system are attributed solely to the Police Commissioner. However, given that the system came into effect during her tenure, the Police Commissioner, as the head of the organisation, has had significant influence over the implementation and practical expression of the legislative reform, including the delivery of sufficient training on the new system.

The Police Commissioner sets the ethical tone for the QPS leadership, establishing formally and symbolically the standards of behaviour that are tolerated by the organisation, and dictates the organisational direction of the QPS.

The Police Commissioner's handling of the complaint about a Deputy Commissioner's sexist comment was a missed opportunity to set the ethical tone of the organisation. As discussed in Chapter 7, a Deputy Commissioner made a sexist comment about a "vagina whisperer" during a leadership conference in 2022 which the Police Commissioner subsequently addressed by way of Local Management Resolution.<sup>201</sup> The Police Commissioner accepted that she received advice on several different measures that could have been added to the Local Management Resolution. These additional options included the imposition of a period of supervision, a requirement that the Deputy Commissioner prepare a paper in respect of the Code of Conduct and impact of this behaviour on others, or an apology to the audience.<sup>202</sup>

These measures would have gone some way to addressing the public sexist comments by the Deputy Commissioner and restoring confidence in the QPS values and professional standards. Despite this, the Police Commissioner decided to impose a Local Management Resolution that consisted of only a private conversation, of which there is no audio recording.<sup>203</sup>

The briefing note which set out the various options for dealing with the matter also identified the following issue for the Police Commissioner's consideration:

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**The issue may receive negative media coverage and has the potential to cause significant reputational harm.<sup>204</sup>**

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The Police Commissioner denied in evidence that a concern about negative media reporting influenced her decision to deal with the matter only by way of a private conversation with the Deputy Commissioner without taking further action such as requiring a public apology.<sup>205</sup> Rather, she said she dealt with the matter in that way because she was aware of another pending but unrelated disciplinary matter which she thought would be likely to involve "a lot harsher consequences" for the Deputy Commissioner.<sup>206</sup>

The Commission considers that, if the reason the Police Commissioner did not act was because it was likely that some other (unrelated) conduct which was also unacceptable would be established against the Deputy Commissioner in the future, the Police Commissioner's lack of action in those circumstances did not embody good leadership. The QPS has been reminded about the importance of these principles previously:

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**If disciplinary and police complaints outcomes are not timely or fair, then public confidence is likely to be adversely affected.<sup>207</sup>**

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The identification and rectification of inappropriate behaviour by leaders is critical.

During her evidence, the Police Commissioner also demonstrated a lack of understanding about the principles and practices of the conduct and complaints system, including Local Management Resolution processes.<sup>208</sup>

The Police Commissioner's lack of knowledge was demonstrated by her following response to questioning about the ESC's role in assessing matters for Local Management Resolution:

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**"[it has] only been brought to my attention properly in the last week through going through [the material provided by the Commission] and understanding how Ethical Standards assesses and sends LMRs to the regions and the districts to deal with these; that when I look at these they should not be LMRs".<sup>209</sup>**

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The Police Commissioner's evidence inaccurately downplayed the ESC's influence on Local Management Resolution, the most frequently applied outcome of the conduct and complaints system. As discussed above, as the command responsible for discipline, professional practice and ethical health, the ESC assumes an influential role in the application and promotion of Local Management Resolution.

Evidence before the Commission further challenged the characterisation of the overreliance on Local Management Resolution as an unintended consequence of the 2019 amendments and the associated limited training or oversight.

It is concerning that it took appearances before a Commission of Inquiry for the leader of the QPS to gain a full understanding of how the Local Management Resolution processes within the conduct and complaints system work.

The Commission also notes that the Police Commissioner is, by legislation, contract and strategic planning, responsible for promoting a professional organisation characterised by ethical conduct. Her lack of understanding of her organisation's complaint system in circumstances where the system is supposed to monitor and control the ethical health of the membership reflects poorly on her leadership.

## INEFFECTIVENESS OF COMPLAINT INVESTIGATIONS

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The Commission accepts that many investigations of police by police are conducted in accordance with the QPS Complaint Resolution Guidelines and completed to a high standard. However, the relatively low proportion<sup>210</sup> of investigations conducted and the familiarity that can exist between the investigator and the subject member generates concerns about the adequacy of internal complaint investigations.

As previously identified, in respect of allegations of police perpetration of domestic and family violence, the proportion of complaint matters assigned for investigation are relatively low, with almost three quarters of these matters being resolved after an initial assessment.<sup>211</sup>

On review of the complaint files provided by the QPS, the Commission observed occasions where complaint matters were unable to be progressed due to the lack of corroborating evidence, in particular the availability of body worn camera footage. As identified in the 1989 Fitzgerald Report:

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**Some of the procedures adopted have been amazing; for example, disclosing the material available to suspected police officers prior to interrogation and seeking and acting on reports from sections which are the subject of complaint or allegation. Regularly, no more has been required as a basis for a finding in favour of a police officer than his denial of the case against him, which was seen to put one word against another and therefore make the allegation unsustainable, a proposition so absurd as to be risible. On other occasions, nothing was done because of a claimed perception that the witnesses against the police officer would not be considered sufficiently reliable.**<sup>212</sup>

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During the public hearing of 6 October 2022, the Police Commissioner accepted that complaints which may be characterised as one person's word against another are almost invariably not substantiated. The following exchange occurred between the Police Commissioner and her Counsel:

**Mr Hunter:**

*...[D]o you accept that the way the discipline system works at the moment, that **where it's word on word that the result is inevitably or almost inevitably that the complaint is not substantiated?***

**Police Commissioner:**

***It would appear that way and, as I said, that's difficult. I would like someone to probably come up with a better way of, you know, doing that one issue. It's very difficult.***<sup>213</sup>

This evidence, that complaints which involve one officer's word against another are almost inevitably not substantiated, highlights a deficiency in the current conduct and complaints system. Investigations which stall on the basis that the complaint involves one officer's word against another are inadequate. In the criminal jurisdiction, where complaints must be proven to a much higher standard than is required by the QPS conduct and complaints system, convictions are regularly obtained even in circumstances where the case can be described as involving word against word. In this way, the failure of investigations for lack of corroborating evidence where the standard of proof is the 'balance of probabilities' is further demonstration of an ineffective conduct and complaints system.

The Commission received several submissions from QPS members who raised dissatisfaction with the seriousness with which investigations are undertaken by the organisation. One QPS member said:

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**Focus is not on what occurred but what the QPS feels will be perceived and the image that will have on "the reputation" of the service without consideration of the officers involved.**

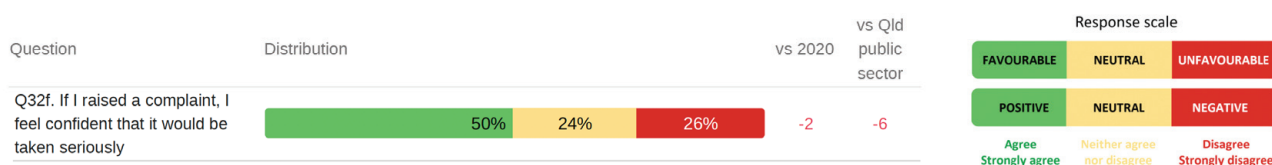
**There appears to be arrangements made behind closed doors as to what will happen and how it will happen.**

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**Sufficiency of evidence in internal investigations is of a poor standard and then bullying, coercion and threats are made to "play the game" and do as you are told – "or else".**<sup>214</sup>

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The concerns expressed to the Commission about complaints not being taken seriously and investigated thoroughly are evidently shared by a sizeable cohort of the organisation. The 2021 Working for Queensland survey, which was completed by 11,029 members, showed only 50% of the membership feels confident that if they raise a complaint, it will be taken seriously. This result is six points lower than across the Queensland public sector generally. The full range of results to that question are as follows:



This lack of confidence in the system may have many causes, but it is likely that at least one of them is the inadequacy of investigations that result in so many matters being unsubstantiated if they are assessed as word against word complaints. Such outcomes send a message to the membership that complaints are not taken seriously.

## ACCESSIBLE, RESPONSIVE AND TRANSPARENT

Police conduct and complaints systems must be accessible and responsive to the needs of complainants, be straightforward, transparent and open to review, and be timely. The Commission was made aware of the flaws in the current system, relating directly to these criteria, by victim-survivors, organisations, experts and QPS members. Generally, the Commission was advised that the current system is:

- not accessible
- not responsive enough
- not sufficiently transparent, particularly given the lack of engagement with complainants.

A lack of communication about the progress of complaints gives the impression that the system is not accessible, responsive or transparent. Many victim-survivors have experienced this lack of communication. For example, a client of WWILD spoke of the lack of communication from police in relation to complaints:

**I've made complaints and nothing happens. They should follow up the complaint. They don't tell you anything. Once you make the complaint you get cut out. They don't tell you what's happening. They should let the person know what's going on.**<sup>215</sup>

Additionally, WWILD told the Commission that many of their clients have said they felt their complaints about police were not listened to and were not taken seriously. The WWILD submission stated:

**A client made a complaint directly to the police and a Senior Constable came out to the client's mother's house to speak to them. The Constable was "very intimidating and judgmental".**<sup>216</sup>

In a similar vein, Micah Projects told the Commission that even the organisations that support victim-survivors sometimes find it hard to navigate the conduct and complaints system.

The Micah Projects submission said:

**As specialist DFV workers we can find it difficult to question police and be confident to raise complaints. Imagine then how hard this can be for women subject to DFV. Police can be defensive and limited in their willingness to reflect critically on police actions.**<sup>217</sup>

Organisations stressed that an accessible, responsive, and transparent conduct and complaints system is essential. As Brisbane Youth Service put it:

**There is a need for QPS to have a robust, transparent, easily accessible and independent complaints handling process...people need recourse to be able to file complaints against police conduct and responses.**<sup>218</sup>

## THE SYSTEM IS NOT ACCESSIBLE

Many factors influence a person's decision to make a complaint, including the seriousness of the allegation, self-confidence, confidence in the police and the complaints system, an awareness of the relevant procedures, and the availability of support during the process.<sup>219</sup>

The Commission heard from members of the public that reasons for not making a complaint about police officers varied from confusion about the process to a lack of confidence in the police conduct and complaints system.

Some submissions to the Commission revealed that community members are confused about how and where a complaint about a police officer can be made.<sup>220</sup> For example, Ms Hayley Grainger, Principal Lawyer of the North Queensland Women's Legal Service, gave evidence that many "*clients did not know they could make a complaint about their interactions with police*".<sup>221</sup>

For others, while they knew they could make a complaint, many do not trust the system to protect them or to act. This is particularly the case for those who have a longstanding distrust of police, or those who may be reluctant to complain because they are in a personal relationship with an officer.

Dr Michael Maguire CBE, former Ombudsman of the Police Ombudsman of Northern Ireland (PONI), explained to the Commission that it is important that a police conduct and complaints system is generally accessible, but particularly for people from marginalised communities.

He said:

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**You want to make the complaints process accessible, particularly to those from marginalised communities who may distrust government generally, the criminal justice system generally and policing in particular.<sup>222</sup>**

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Part 4 of this Report identified that the relationship between police and First Nations peoples can be plagued by historical and contemporary police violence and intimidation. It is particularly important that the police conduct and complaints system is accessible to First Nations peoples. An officer who resigned from the QPS in 2022, after 26 years of service stated in his letter of separation from the QPS that:

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**I no longer feel that the QPS affords a working environment that is ‘culturally safe’ for me, to bring my true, authentic self to work as a recognised indigenous person and POC [Person of Colour].**

**Whilst my experiences, have accumulated over the course of my service, there has always been a genuine sense of fear and reprisal by coming forward and speaking up about my experiences of racism. The fear existed as the QPS has never established a culturally appropriate and culturally sensitive area (or Unit) to support members coming forward to report instances. Existing reporting measures (ESC) only causes fear, anxiety, and trauma for indigenous people and POC. How does an indigenous person or POC feel confident coming forward to report racism, when there is a high probability that the senior assessment/investigating officer will be white? Where is there fairness if the member taking the complaint has no context or understanding of racism, particularly from a member who is already marginalised by being indigenous or POC.<sup>223</sup>**

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Other marginalised groups, or groups whose members may distrust police, are also unlikely to feel confident or comfortable about making a complaint about a police officer to the organisation itself. The Brisbane Youth Service told the Commission about the experience of one of their young clients:

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**[O]ne young woman who wanted to make a complaint against an officer after she felt she had an inadequate response to a DFV incident. She was encouraged by another community domestic violence support service to contact her local Member of Parliament as that was the only method the service had which had led to a transparent outcome.<sup>224</sup>**

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Research has also identified additional barriers faced by people experiencing domestic and family violence when making a complaint about police. These include:

- a fear of repercussions (such as a reduced likelihood of receiving police assistance in the future)
- a perception that it is pointless to make a complaint
- being too overwhelmed or stressed to make a complaint.<sup>225</sup>

The Commission conducted a survey of victim-survivors which revealed that 44% were unsatisfied or partially unsatisfied with police action in their matter and considered making a complaint against police. However, only 29% of those participants who considered making a complaint against police actually did so.<sup>226</sup>

The Commission heard that the current conduct and complaints system is inaccessible even for QPS members. This is largely due to the culture of fear and silence in the organisation which tends to discourage QPS members from making a complaint. The culture of fear and silence, and the effect it has on the willingness of many QPS members to make a complaint, is considered in Parts 1, 3 and 4 of this Report.

In addition to the culture of fear and silence that discourages officers from reporting misconduct, the Commission heard examples of officers who raised concerns about the conduct of other officers becoming the subject of complaints themselves. The following case study is an example of that issue:



## CASE STUDY: COMPLAINTS AGAINST SUSAN FORTE AND CATHERINE NIELSEN

In April 2021, an inquest began into the shooting deaths of Senior Constable Brett Forte and offender Ricky Maddison on 29 and 30 May 2017 respectively. During the inquest, Brett Forte's widow, Senior Constable Susan Forte, challenged, through her Counsel, some of the evidence given by police officers about the circumstances leading up to her husband's death, and a formal direction was given to her to provide all relevant information to the Court that was not already in evidence. Senior Constable Susan Forte provided an affidavit. Brett Forte's police partner Senior Constable Nielsen, who was in the car with him when he was shot, was a witness at the hearing and during her evidence also raised some matters of concern for consideration by the coroner.

As a result of the matters outlined in Senior Constable Susan Forte's affidavit and the evidence given by Senior Constable Catherine Nielsen, a Senior Sergeant ESC investigator made a complaint against both officers for failing to report misconduct and a criminal charge of perjury.<sup>227</sup> Both women were victims of serious criminal offending and were entitled to be treated accordingly. Further, the complaint was made while the inquest was still in progress and no findings had been made. In the Commission's view, it was ill advised for the complaints to have been brought against either woman in these circumstances.<sup>228</sup>

The ESC investigated the perjury allegations and found there was insufficient evidence, additionally noting that it was *"important to understand that both Catherine Nielsen and Susan Forte are affected persons and victims of crime"*.<sup>229</sup> With respect to the disciplinary investigation, the ESC found that *"the positive obligation to report this type of misconduct can result in the revictimisation of these members...and [was] not consistent with the principles of victim support"*.<sup>230</sup>

The report also noted that the *"reintegration of any officer returning to work after a critical incident, should be managed with an appropriate level of compassion, understanding and support. This is...in line with Qld Victim of Crime principal rights of being treated with respect, courtesy, compassion, dignity and considering victim needs"*.<sup>231</sup>

Both officers should have been supported in raising reasonable concerns in the investigation, rather than being referred for poorly considered disciplinary proceedings.

Many QPS members expressed disquiet and sorrow at the organisation's treatment of Senior Constable Susan Forte and Senior Constable Catherine Nielsen, including in having complaints filed against them after raising their concerns at the inquest. There is a view that the filing of complaints of this kind has only added to the culture of fear of speaking up in the organisation.

### THE SYSTEM IS NOT RESPONSIVE

The victim-survivor survey conducted by the Commission returned strong agreement with statements which reflected:

- a lack of confidence that the making of a complaint would make a difference
- concerns about the complaint not being treated seriously
- a perception that police would not help if a complaint was made.<sup>232</sup>

These themes were also seen in submissions received by the Commission from both victim-survivors and community organisations, with research further noting that:

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**To complain requires a certain degree of personal capability or power, a fact that can be seen to disadvantage some sections of society who may feel intimidated by the power and authority of the police.**<sup>233</sup>

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### LACK OF TRANSPARENCY AS A RESULT OF FAILURES TO ENGAGE WITH THE COMPLAINANT

The Commission heard that complainants are more likely to be satisfied with outcomes when they are actively engaged in the complaint handling process. One community organisation said:

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**[Complaints] have ended positively for clients when, on a couple of occasion[s], officers or prosecutors have take[n] the time to meet face to face with clients and explain the reasons why certain decisions were made...**

**If the complaint handling process is to have value it must be widely known, easy to access, be perceived to be independent of the police members complained about, be timely and to achieve something for the person who has taken the time to [make] a complaint – even if this is just simply being heard.**<sup>234</sup>

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The Commission was advised that restorative justice practices such as apologies do occur informally from time to time, but it is difficult to establish how often this occurs as the QPS does not collect any data on the use of these practices, and there are no formal policies or processes in place with respect to mediated outcomes or apologies.<sup>235</sup>



Further, the Commission heard that while decision-makers within the Office of State Discipline can request that case officers obtain victim impact statements, whether they are obtained as a matter of course “*varies broadly*”.<sup>236</sup>

Consequently, complainants’ voices can become lost in the conduct and complaints system. In appropriate circumstances, the use of alternative dispute resolution processes such as independently facilitated conciliation conferences may help restore complainants’ voices throughout the process.

Restorative justice responses aimed at supporting officers to improve their performance also aligns with complainant expectations. Various surveys of complainants have shown that the majority do not want a sanction against the police officer. Rather, as Professor Tim Prenzler, Professor of Criminology in the School of Law and Society at the University of the Sunshine Coast, explained:

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**They’re looking for an apology, and in particular they’re looking for behavioural change... they want something done so that other people don’t have the same adverse experience from the same or another officer that they had...<sup>237</sup>**

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The Commission received many submissions<sup>238</sup> that highlighted the importance of victim advocacy in allowing complainant experiences to be considered when determining outcomes. If the QPS fails to understand what complainants are seeking when they make a complaint, opportunities are lost to resolve matters promptly and with higher satisfaction rates for all involved. Further, the QPS acknowledged the need to improve communication about the progress and outcome of complaints.<sup>239</sup>

Many QPS members also told the Commission of their experiences of a lack of meaningful communication as their matter progressed through the conduct and complaints system. Some QPS members told the Commission that, having made a complaint, they did not hear anything about its progress. Others told the Commission that, after being advised a complaint had been made against them, they heard nothing further about the matter.

While the Commission observed outcome letters addressed to complainants on QPS discipline files, these letters were often brief and relatively uninformative.

The Police Ombudsman of Northern Island (PONI) is an example of an entity that communicates well with victims. As each complaint is finalised, PONI sends to the complainant a closure letter, setting out “*the nature of the complaint, the process of the investigation, and the findings and broad conclusions*”.<sup>240</sup>

The New Zealand Independent Police Complaints Authority (IPCA)’s use of Facilitated Resolutions – which involve a representative of IPCA acting as an independent mediator between complainants and police – provides another example of successfully integrating victim voices into the complaints process.

The Commission heard that many organisations supported the recommendation of the Women’s Safety and Justice Taskforce that the Queensland Government establish a victims’ commissioner to promote and protect the needs of victims at systemic and policy levels, including in making complaints.<sup>241</sup> This is considered in Part 6 of the Report.

## LACK OF TRANSPARENCY IN DATA

The lack of transparency in the current system was also made clear to the Commission through the difficulties the QPS encountered in providing material from its disciplinary and complaints system in an accessible and streamlined way. For example, it was not easy to obtain an overview of a QPS member’s disciplinary history from the files provided by the QPS, which were often dense records. At times they consisted of numerous different files and hundreds of pages of documents, with no overview or summary of the member’s disciplinary history attached. In response to some requests the Commission was also told the relevant material had to be extracted manually.

If QPS data systems are not transparent, it is difficult for them to be used effectively to inform and drive strategic and operational decision-making<sup>242</sup> which, in turn, does not inspire public confidence.

These issues have been longstanding in Queensland.<sup>243</sup>

In 2008, the Service Delivery and Performance Commission (SDPC) recommended urgently addressing signs of ethical slippage by investigating its complaints information systems because of concerns about the loss of institutional memory regarding the Fitzgerald Inquiry.<sup>244</sup>

QPS advised the Commission that the current system, PIPS, was designed to address previous concerns about the validity and accessibility of data. However, the Commission is cautious as to whether this system will achieve its stated intent given the poor record of delivering reform in the QPS complaints system:

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**There is increasing support for the view that police services are reasonably adept at the formulation and publication of plans and strategies, but not so capable in achieving the implementation of them.<sup>245</sup>**

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The Commission also notes the *Queensland Police and Community Safety Review* (2013) which reiterated concerns about the integrity of QPS data for informing decision-making and the propensity of the QPS to suggest improvements were pending.<sup>246</sup>

Poor data integrity within the QPS also compromises attempts at early intervention in police misconduct.

The SDPC reinforced persistent concerns about the capacity of the QPS to prevent ‘gradual’ slides into misconduct and recommended that incidents of ‘low level’ misconduct represented a useful diagnostic tool for signifying more entrenched misconduct trends at individual or collective levels as an early warning mechanism.<sup>247</sup>

Theoretically, the capacity for existing complaints data to inform both proactive and reactive decision-making at strategic and operational levels is significant, given the volume of complaints policing attracts.<sup>248</sup> However, the data must be clear and robust. The Commission makes a recommendation regarding this at the end of Chapter 19.

## CONCLUSION

In response to the evidence of repeated inappropriate use of Local Management Resolution, the QPS submitted to the Commission that the current conduct and complaints system was relatively new and was still “*bedding down*”.<sup>249</sup> The Queensland Police Union of Employees submitted that “*the current system is appropriate. No changes are required to it*”.<sup>250</sup>

In the Commission’s view, while the system may still be relatively new, there is clear evidence of over-use of Local Management Resolution for serious discipline and police misconduct matters. The fact that, in such a short time, Local Management Resolution has become the most common form of resolving complaints that progress beyond no further action suggests that leaving the conduct and complaints system in the hands of the organisation is not working.

The inappropriate use of Local Management Resolution demonstrates a number of significant shortcomings with the current conduct and complaints system. It adversely impacts the effectiveness of both complaint investigations and outcomes. It undermines public confidence in police professionalism and legitimacy. It also undermines the confidence of the QPS membership in the system.

The concerns raised about the inappropriate use of Local Management Resolution are exacerbated by the evidence given by the Police Commissioner that, in most cases where a complaint involves ‘word against word’, the complaint is unsubstantiated.

In the Commission’s view, the failings of the current conduct and complaints system are so great, and the risks that these failings may lead to the dismissal of serious misconduct matters within the QPS is so significant, that the only prudent way forward is to move to a civilian control model whereby the conduct and complaints system operates externally to the organisation.

It is clear that the current system does not instil community confidence in the QPS. It is also clear that it fails to engender confidence among the membership of the organisation. These are important matters. The damage done to the organisation by the significant problems of sexism, misogyny and racism cannot be improved under the present system. The culture of fear and silence cannot be combatted through the current approach.

The shift to an independent civilian control model and the resource investment it will require is significant. But the cost to the organisation and community of allowing the current system to continue is greater.

If the conduct and complaints system is to be the most independent, effective, transparent and accountable possible, bold change is needed. There is little sensible alternative at this point.

## FINDINGS

- **The Queensland Police Service conduct and complaints system is not sufficiently independent, effective, fair, accessible, responsive, transparent or timely. It does not always manage complaints about police conduct in an appropriate way and does not inspire community or police confidence in the Queensland Police Service.**
- **The establishment of a civilian control model in Queensland is required to ensure that complaints about police will be handled in an independent and effective manner, which inspires community and police confidence.**

# 19 The Police Integrity Unit

## A CALL FOR CHANGE

In response to the release of Professor Peter Coaldrake AO's review of the culture and accountability of Queensland's public sector, Premier Anastacia Palaszczuk stated she was seeking reforms that were "*bold, comprehensive and visionary*" and that, once implemented, they would make Queensland "*the most transparent and accountable government in Australia*".<sup>251</sup>

The Commission heard significant evidence of a clear and compelling call for change in the approach taken to the management of police conduct and complaints. This included evidence about:

- confusion about where complaints against police should be made
- inappropriate devolution of discipline matters resulting in police investigating police and failing to meet community expectations of independence and transparency
- an inadequate system for the management of conflicts of interest
- a lack of oversight and monitoring of complaint handling
- fear of reprisal for reporting disciplinable conduct, for both members of the community and police
- discipline outcomes failing to adequately address or positively influence a change in members' behaviour
- failure to keep complainants informed, or engaged in a meaningful way, throughout the complaint process
- inadequate systems for recording and reporting on complaints
- missed opportunities for early intervention and the application of strategies to address a course of conduct
- discipline outcomes that fail to properly address the severity of the offending reported
- misconduct that is not sufficiently considered in promotional or relieving opportunities due to a failure to investigate complaints properly.

The Commission also received submissions that highlighted the need to change the approach to the police conduct and complaints system in Queensland. Community-based organisations and those advocating for victim-survivors, communicated a clear need for:

- a new independent process and/or body for the management of complaints against police
- enhanced sanction outcomes which positively impact police conduct
- general publication of outcomes and improved transparency of information
- greater complainant engagement, including maintaining contact and ensuring the participation of the complainant in the process (if desired)
- the establishment of an external complaints portal to facilitate access to information for complainants.<sup>252</sup>

As discussed in more detail in Chapter 16, experts in police accountability agree that the civilian control model is the most effective model for securing public confidence and ensuring the integrity of a police conduct and complaints system.<sup>253</sup> This is because an internal affairs model does not provide sufficient protection against corruption, and a civilian review model represents a 'false promise' of independence.

This conclusion is consistent with recent findings and recommendations made by other bodies tasked to examine integrity-related matters (as outlined in Appendix J) which have included:

- the establishment of a single, independent 'clearing house' for complaints against public servants tasked to triage complaints to the appropriate integrity body. The clearing house would work with relevant entities to document a complaint and its progress (for the complainant's benefit also)<sup>254</sup>
- greater civilianisation of the corruption division of the Crime and Corruption Commission (CCC) to avoid 'institutional capture' by the Queensland Police Service (QPS).<sup>255</sup>

As outlined in more detail within Chapter 18, QPS members have also been clear that they lack confidence in the current complaints management and discipline system. The Police Commissioner herself described the Local Management Resolution system as "*broken*".

The current devolution of complaint matters to the district or region where the complaint originated also means that officers are required to take on additional tasks, such as making preliminary inquiries or an investigation of their colleague, in addition to their regular workload. The Commission observed instances where case officers needed extensions to complete their complaint-related work because their workload exceeded their capacity.

Adopting a centralised civilian control model shifts the responsibility of investigations away from police. This reduces the administrative burden for officers and increases their capacity to focus on their core tasks, which was a key concern raised with the Commission and in the *Greenfield Review* (2019).

The ability for complaint management processes to be shared across a team as opposed to being the responsibility of an individual QPS case officer is also likely to result in timelier processes and outcomes for subject members (that is, investigations are unlikely to be delayed because of a case officer's workload or unavailability).

There are also benefits for members who are subject to a complaint. For example, in their report to the Commission, Professor Prenzler and former Ombudsman of the Police Ombudsman of Northern Ireland (PONI) Dr Michael Maguire CBE, discussed findings from a previous study where subject members expressed the view that “...civilian investigators would help filter out trivial or malicious complaints at an early stage without presumptions of bias”.<sup>256</sup>

Dr Maguire also told the Commission that the Northern Ireland Police viewed an independent model as beneficial, which is supported by surveys of police who were the subject of a complaint.<sup>257</sup>

The PONI undertakes an annual survey of police who were the subject of a complaint to measure their experience, including perceptions of service and treatment by PONI staff. In 2022:

- 88% of police officers felt they had been treated with respect
- 77% felt they had been treated fairly
- 77% believed PONI staff were knowledgeable
- 80% felt their complaint was dealt with independently.<sup>258</sup>

The proportion of subject members who are satisfied with the process has steadily grown since PONI's inception. Dr Maguire said:

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**I always took the view that a report that said the police had done no wrong was equally important as one which was critical of the police, because they were evidence based and they were demonstrable to say, “This is what happened”.<sup>259</sup>**

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Providing a single independent point where all police related complaints can be made also assists in improving public confidence, and addresses many of the known barriers to reporting faced by complainants, including a fear of retribution and a fear of being dismissed or ignored. This is particularly beneficial for communities or individuals who distrust police.

From the evidence, the Commission has drawn the conclusion that to achieve a timely and fair response to complaints, with greater confidence in the quality and veracity of investigations, a separate entity for police conduct and complaints management is required.

A Police Integrity Unit (PIU) should be established as a purpose-specific, mostly siloed, team within the CCC. The PIU should be responsible for handling all complaints made about police (be it a sworn police officer, police recruit or unsworn staff member).<sup>260</sup>

While incorporating the PIU within the existing infrastructure of the CCC<sup>261</sup> will be less costly than establishing a new standalone body, the Commission recognises the establishment of a new police integrity model will nevertheless require appropriate and significant ongoing resourcing. The establishment of the PIU will also require a commitment from all stakeholders, especially the Queensland Government, the QPS and the CCC, to work positively and proactively towards the implementation of such a reform in order to make Queensland's police conduct and complaints handling system the most transparent and accountable in Australia.

## THE POSITION OF THE PARTIES

Prior to the finalisation of this Report, a draft of this chapter outlining the recommendation for, and the proposed structure of, the PIU was given to the QPS, the CCC, the Women's Legal Service Queensland and the Queensland Police Union of Employees (QPUE).

In response, the QPS did not oppose the recommendation to establish the PIU, except to note that the QPS did not support the PIU dealing with “*all complaints*” in reference to the importance of the ESC continuing to have a role in investigating deaths in custody.<sup>262</sup>

The CCC submitted that the establishment of the PIU is a reasonable and appropriate response given the evidence the Commission has received during its inquiry.<sup>263</sup>

The Women's Legal Service Queensland also supported the recommendation and gave feedback as to how to better tailor the proposed structure of the PIU for victim-survivors of domestic and family violence.<sup>264</sup>

The QPUE was the only party to express opposition to the proposal. The QPUE submitted that the current system is appropriate and that no changes are required. The QPUE submitted that the CCC has adequate oversight and control over the existing system, by virtue of legislative provisions for the CCC to initiate a formal review of decisions including Local Management Resolution outcomes, and that what is needed is appropriate education and training.<sup>265</sup>

The Commission accepts the *Crime and Corruption Act 2001* (Qld) does in fact provide the CCC with the power to have decisions made by the QPS regarding complaints against police reviewed by the Queensland Civil and Administrative Tribunal.<sup>266</sup> However, in practice the CCC is only able to do so where they have knowledge or oversight of the complaint matter.

Complaints involving behaviour categorised as grounds for discipline but not involving misconduct are assessed by the ESC and devolved to the district or command for resolution. In these matters there are no referrals or notifications made to the CCC, thereby removing any possibility of oversight or review of QPS decision-making. The QPS complaints flowchart illustrates how these complaints are managed.<sup>267</sup>

By way of example, the complaint involving the Deputy Commissioner who made the “*vagina whisperer*” comment at a leadership conference was assessed by the QPS as grounds for discipline, not misconduct, which meant that the CCC was not notified of the complaint. The CCC only became aware of the behaviour from media reporting of the Commission's public hearings. If the CCC has no knowledge of complaints (as is the case for all allegations that are assessed by the QPS as discipline, not misconduct) then it has no ability to perform oversight or review QPS decisions in relation to such allegations.

In relation to matters that are not categorised as discipline matters, the current legislative framework provides the CCC with broad jurisdiction to oversee matters involving misconduct and corrupt conduct. However, in practice, the legislative emphasis on devolution means that the QPS has primary responsibility for the resolution of allegations involving misconduct, with the CCC's predominant focus on corrupt conduct. As demonstrated in Figure 42, the practical effect of the current legislative framework is that the CCC retains oversight in less than 10% of allegations against QPS members.

## EXPERT ASSISTANCE

Apart from critical elements identified in this chapter, the Commission has not prescribed any specific structures and processes to implement the PIU and recommends stakeholders engage external experts with expertise or experience of civilian control models.

The external experts might advise on establishment, structural, transitional, and procedural matters. The formal engagement of external experts should conclude by the time the PIU is operational, to ensure its independence from the outset.

## BUILDING CONFIDENCE AND TRUST



- Growing public presence and profile
- Measuring public awareness and confidence
- Transparent and regular reporting
- Information sharing to assist in misconduct prevention
- Managing conflicts of interest
- Routine independent audits

It is critical there is a focus on building confidence and trust in the PIU for both police and the community. This can be achieved through a range of strategies including:

- ensuring that it has a regional presence, and capacity for people to make complaints in person
- promoting the establishment of the PIU and increasing awareness of how to make a complaint, and relevant confidentiality protections
- embedding regular community awareness and participant (police and complainants) satisfaction surveys
- reporting (at a minimum) annually on the number and types of complaints, declared conflicts of interest, progress and outcomes of investigations, and data on public awareness and participant satisfaction surveys.

The Parliamentary Crime and Corruption Committee should, at least every five years, engage a small independent panel to conduct a review of a random sample of investigations. That panel should publish a report on the panel's satisfaction with the PIU's conduct.



## LEADERSHIP OF THE PIU

### THE SENIOR EXECUTIVE OFFICER OF POLICE INTEGRITY

The PIU should be led by a Senior Executive Officer of Police Integrity at the CCC. The person in the role must not have previously served as a police officer in any law enforcement agency, however, they should have experience in the management of integrity and conduct matters in public sector agencies. They should be appointed by the Chief Executive Officer, with the endorsement of the five person Crime and Corruption Commission established under the *Crime and Corruption Act 2021* (Qld), for a five year term, which can be extended only once.

The role of the Senior Executive Officer of Police Integrity should be inclusive of:

- **Maintaining a visible public profile:** in unison with the Chairperson of the CCC, including by making public comment and engaging with the media about matters pertaining to integrity, investigations, and the work of the PIU to build community confidence and trust.
- **Responsibility for all significant decisions:** including the decision to substantiate a serious complaint, and the decision to refer a matter to the Director of Public Prosecutions (for potential criminal prosecution) or a decision involving a senior member of the QPS.
- **Responsibility for making recommendations about disciplinary matters:** including the appropriate disciplinary sanction when misconduct is found to have occurred. In cases where the Office of State Discipline does not impose the recommended sanction, they should be required to notify the Senior Executive Officer of Police Integrity for reporting, appeal, and review action decisions.
- **Responsibility for initiating any appeals or applications for judicial review:** including in circumstances where the Office of State Discipline does not accept a disciplinary recommendation from the PIU where it is considered in the public interest to do so (such as instances of serious misconduct or corrupt conduct).

### THE EXECUTIVE DIRECTOR OF INVESTIGATIONS

The Senior Executive Officer of Police Integrity should be supported by an Executive Director of Investigations, responsible for providing strategic investigative advice and for overseeing all investigations. The Executive Director must have a background in law enforcement. They should also be appointed by the Chief Executive Officer, with the endorsement of the five person Crime and Corruption Commission established under the *Crime and Corruption Act 2021* (Qld), for a five year term (on a different cycle to the Senior Executive Officer), and the term should be renewed only once. This position should not be filled on a secondment basis by a current serving police officer.

## THE MANAGER OF OPERATIONS

The Senior Executive Officer of Police Integrity should also be supported by a Manager of Operations, who is responsible for the day-to-day functioning of the PIU. The Manager would have a range of responsibilities that fall outside the investigative functions, including supervision and support of staff.

## RESPONSIBILITIES AND FUNCTIONS OF THE PIU

The establishment of the PIU is not an opportunity to revisit previous complaints. At intake, the PIU should use discretion to determine whether there is new evidence or exceptional circumstances to warrant a fresh investigation of a matter which has already been investigated under the current system. This preserves the finality of earlier decisions, but also mitigates an expected initial surge in demand for the PIU's services. All complaints received by the QPS should also be referred as soon as practicable to the PIU.

The Commission acknowledges the recommendation of Professor Coaldrake AO in *Let the sunshine in*, that all complaints should be made to a public clearing house, where they can be recorded and the complainant's dashboard established.<sup>268</sup> If the Government establishes a public clearing house for complaints, with the exception of QPS service delivery issues, all complaints made to the clearing house and related to QPS members are to be forwarded by the clearing house to the PIU for resolution.

Institutional powers vested in the PIU should largely replicate those vested in the CCC more broadly.<sup>269</sup> For relevant staff, this should include access to:

- QPS databases including QPRIME, PIPS, ITAS, CAD and evidence.com
- comparable powers to those of the office of a constable of police (so, for example, the power to search)
- the power to compel attendance and answers to questions.

The PIU would play a role in investigations into deaths in police custody or police operations under the direction of the State Coroner. This responsibility is currently shared across the QPS, CCC and Coroner's Office, and it is anticipated that the CCC's involvement in any multidisciplinary team would be reflected in the functions of the new PIU.

Complaints made about police might be categorised as follows:

CATEGORY A	CATEGORY B	CATEGORY C
<ul style="list-style-type: none"><li>• Matters generally involving death or serious injury, corruption, domestic and family violence, sexual assault and other allegations of serious misconduct.</li></ul>	<ul style="list-style-type: none"><li>• Matters generally involving injury, theft or fraud, serious neglect or failure of duty, firearm discharge, misuse of information, improper disclosure of information, drug use and other allegations of misconduct.</li><li>• Matters involving discrimination, harassment, bullying, and any sexist, misogynistic, racist and homophobic behaviour.</li><li>• Matters that are related to domestic and family violence investigations, such as failure of duty or misuse of information.</li><li>• Category C matters where there has been repeat offending by the subject member, that is, more than 3 complaints of any category within a 5 year period.</li></ul>	<ul style="list-style-type: none"><li>• Matters which are currently classified as discipline not misconduct such as incivility and minor breaches of police procedure.</li></ul>

As a civilian control model, the PIU assumes authority for receiving and assessing police complaints in all categories. After assessment the PIU will decide whether the complaint should be handled formally (where a complaint requires a conclusion about whether the complaint is substantiated) or informally (where a complaint does not necessarily require that conclusion).

Formal investigations of matters in any category will be conducted by the PIU. The QPS will retain control for member discipline outcomes (with input from the PIU).

The Commission recognises the strong utility of local QPS management taking responsibility for the response to and resolution of a complaint about an action or behaviour stemming from deficiencies in knowledge or understanding. The creation of the PIU is not intended to remove the use of Local Management Resolution strategies or minimise the importance of the education and rehabilitation of QPS members. Instead, the focus is on ensuring that the decision to impose Local Management Resolution as an outcome are applied independently and appropriately. Accordingly, where the PIU assesses that it is appropriate for a matter to be resolved informally, then the matter should in most cases be referred back to QPS for the resolution to take place at the local level. This type of outcome is likely to be appropriate for the majority of Category C matters, and may in exceptional cases apply to Category B matters. A Category A complaint could never be handled informally.

## STRUCTURE AND COMPOSITION OF THE PIU

The proposed structure of the PIU is outlined in Figure 49. In addition to staff with technical and operational skills, there should be an emphasis on creating and sustaining a culturally competent and culturally safe team whose practice is trauma-informed.

In particular, the Victim Advocacy and Intake Teams should be staffed by members who authentically represent the diversity of the Queensland community. At a minimum, the team should include representation from First Nations

peoples and culturally diverse communities, specifically a First Nations Liaison Officer (as an identified position) and a Cross-Cultural Liaison Officer, and specialists who have experience in providing trauma-informed practice as Victim Advocate Communications Officers. The PIU should also include identified positions for First Nations peoples in the Victim Advocacy team.

While it is important that the PIU includes mostly civilian staff, consistent with the experience of the PONI and the themes of the recent *Commission of Inquiry relating to the CCC Report* (2022) (the second Fitzgerald Report), the PIU would benefit from the experience and expertise of QPS investigators.

During the period in which the investigative capability of the PIU is developed it is anticipated that higher numbers of seconded police will be required. In the PONI's infancy, a small team of police officers were selected from the Metropolitan Police to be seconded as investigative staff.<sup>270</sup> However, currently, none of the staff of the PONI are members of the Police Service of Northern Ireland, although several police officers are seconded from other police services.<sup>271</sup>

It is envisaged that, after the first six years of the PIU's operations, the number of investigators who are or who have been police officers should not be more than 40% in any PIU office. After 10 years of the PIU's operations, the number of investigators who are or who have been police officers should not be more than 25% in any PIU office.

A secondment to the PIU from the QPS should be for a period of no more than three years. Seconded police officers should have relevant experience in investigations. They should not have a disciplinary history of concern. They should not be the subject of any court order (for example, a Protection Order) or ongoing investigation.

Monitoring and working toward reducing the number of police PIU investigators is essential to avoid the "institutional capture" referred to in the second Fitzgerald Report, and to balance the need for specialist investigative skills.

The PIU (led by the Senior Executive Officer of Police Integrity, who has not served as a police officer previously) should represent a strong step away from the practice of police investigating police.

<b>INTAKE TEAM</b>	Responsible for assessing, recording and categorising incoming complaints received from the public clearing house or recording a complaint that arises in any other way.
<b>INVESTIGATIVE TEAM</b>	Responsible for undertaking investigations with respect to the complaints made.
<b>PROCEDURAL JUSTICE TEAM</b>	Responsible for conducting mediations and other alternative dispute resolution processes, responding to complaints made during or about the PIU process.
<b>VICTIM ADVOCACY TEAM</b>	Responsible for supporting and, if necessary, representing the complainant's interests during the PIU process.
<b>REPORTING, INFORMATION SHARING AND PUBLICATIONS TEAM</b>	Responsible for preparing public campaigns, the collection of statistics regarding participant satisfaction and public awareness, the analysis and sharing of complaints data, and the publication of reports.
<b>TRANSITIONAL SUPPORT AND CAPABILITY BUILDING TEAM</b>	Responsible for training staff with a particular focus on upskilling civilian investigators.

Figure 49: Proposed structure of the Police Integrity Unit

## ESTABLISHMENT AND TRANSITION

### TIMEFRAMES

The Government should establish the PIU within 18 months.

While the establishment of the PIU should be carefully implemented, the Commission also considers the timely reform of the police conduct and complaints system must be a priority of the Queensland Government.

In order to ensure consistent and transparent progress the Queensland Government should develop and publish an implementation plan within three months of acceptance which clearly identifies timeframes for key activities, with a view to the PIU being fully operational within 12 months of the plan's publication.

The CCC, in consultation with the QPS, must report to the Parliamentary Crime and Corruption Committee, and the Premier, or the Attorney-General in support of the Premier, on the achievement of implementation plan milestones every three months until the PIU is fully operational.

### TRAINING

Training civilian members will be fundamental to the establishment of the PIU investigative capability. The Commission consulted with experts to understand the availability and effectiveness of current courses and was assured that training in investigative skills has previously been delivered by tertiary institutions, as evidenced by the qualifications held by investigators in other fields.

To build a strong civilian capability in Queensland both initially and into the future, the Queensland Government must also invest in the development of courses in this field (at a tertiary level or equivalent).

## EVALUATIONS

The Parliamentary Crime and Corruption Committee should conduct a review of the PIU three years after commencement of operations. The review should consider the efficacy of the PIU and any deficiencies in its resourcing or legislative powers, as well as the appropriateness of its use of seconded police officers. The Senior Executive Officer should contribute meaningfully to the evaluation, and the evaluation should be published.

The Parliamentary Crime and Corruption Committee should conduct a further evaluation of the PIU after its first five years of operation, and continue these reviews every five years thereafter. These reviews should be independent and distinct from the review cycle of the balance of the CCC's operations.

## TECHNOLOGICAL CAPABILITY

The PIU must be equipped with an adequate complaints management system, including fit for purpose data collection and reporting software. The following functionality needs to be included within the system:

- the ability to record all stages of the complaint resolution process, including information relating to conflict of interest declarations, actions taken in respect of the complaint and staff who have taken those actions
- the ability to produce 'at a glance' records of complaint and disciplinary history, with accurate information about findings and outcomes
- the ability to produce datasets which can be used to inform policy, training initiatives and early intervention system efforts.

The systems must be capable of creating, in an automated way, the disciplinary history of a subject member. It must also be capable of sharing information with the public-facing dashboard hosted by the public clearing house and the QPS.

The establishment and use of early intervention systems should remain the responsibility of the ESC.

To assist the ESC in identifying misconduct trends and conducting ethics audits within the QPS workforce, the Senior Executive Officer of Police Integrity should, on a quarterly basis (or as any urgent need arises), provide information to the ESC that outlines the complaints received during that period. That information should include the number and types of complaints, and the details of QPS members who are subject to a complaint.

## ADDITIONAL CONSIDERATIONS FOR THE POLICE INTEGRITY UNIT

### 'NO CONFIDENCE' POWER

While the introduction of a power for the Police Commissioner to dismiss an officer on grounds of no confidence has not been a focus of the Commission, it was briefly raised by the Police Commissioner during her evidence to the Commission to potentially address the issue of ongoing, cumulative unsatisfactory behaviour by officers who fundamentally lack integrity.

A 'no confidence' power for the Police Commissioner is not a new idea. Its introduction was recommended by the Crime and Misconduct Commission in 2008<sup>272</sup> and in 2010.<sup>273</sup> It was also recommended for consideration by the QPS itself in its *Taskforce Bletchley Report* (2015) which discussed the issue at length and recommended that the power "*be considered as part of a future disciplinary reform process*".<sup>274</sup>

The Commission has not considered the issue in detail and does not make any recommendations for the introduction of a no confidence power. Instead, the Commission considers the utility, or otherwise, in granting the Police Commissioner a no confidence power could be considered by the external experts as part of the broader reforms necessary for the establishment of the PIU.

### WHISTLEBLOWER PROTECTIONS

Protection of whistleblowers has been identified as a key element to ensuring the effectiveness of independent oversight.<sup>275</sup>

The *Public Interest Disclosure Act 2010* (Qld) provides protections for Queensland public sector employees where the disclosure stems from a genuine concern about corrupt conduct in the public sector.<sup>276</sup> These provisions include protection from disciplinary action for making the disclosure or otherwise causing detriment to the person making the disclosure.

The Parliamentary Crime and Corruption Committee (PCCC) *Inquiry into the CCC's investigation of former councillors of Logan City Council; and related matters* (2021), recommended a review of "*...the effectiveness and appropriateness of protections afforded to public interest disclosers under the Public Interest Disclosure Act 2010, including the roles of the CCC and other relevant entities*".<sup>277</sup>

The Commission supports previous recommendations for the review of current provisions related to whistleblowers to ensure measures encourage reporting and adequately protect public sector employees who make a disclosure.

## FINDINGS

- **A Police Integrity Unit (PIU) should be established as a purpose-specific, mostly siloed team within the Crime and Corruption Commission. The PIU should be responsible for handling all complaints made about police (be it a sworn police officer, police recruit or unsworn staff member).**

## RECOMMENDATIONS

### Recommendation 68

Within 18 months, the Queensland Government establish the Police Integrity Unit as an independent and separate unit of the Crime and Corruption Commission to deal with all complaints in relation to police. The Police Integrity Unit must, at a minimum:

- be led by a Senior Executive Officer who is a civilian
- provide for whistleblower protections
- include a victim advocate
- include identified positions for First Nations staff in the intake and victim advocacy teams
- include civilian investigators, and transition to a predominately civilianised model as soon as possible
- implement an adequate complaints management system, including fit for purpose data collection and reporting, including providing for aggregate trends analysis
- publicly report annually on activities and outcomes.

### Recommendation 69

Within three months of acceptance of Recommendation 67, the Queensland Government create and publish an implementation plan which clearly identifies timeframes for key implementation activities, with a view to the Police Integrity Unit being fully operational within 12 months of acceptance.

### Recommendation 70

The Crime and Corruption Commission engage external experts in, or those with experience of, civilian control models to assist in the development and implementation of the Police Integrity Unit up until it becomes operational.

### Recommendation 71

The Crime and Corruption Commission, in consultation with the Queensland Police Service, report to the Parliamentary Crime and Corruption Committee, and the Premier, or the Attorney-General in support of the Premier, on the implementation plan milestones every three months until the Police Integrity Unit is fully operational.

### Recommendation 72

The Parliamentary Crime and Corruption Committee conduct and publish a review of the Police Integrity Unit three years after commencement of operations. The review should consider the efficacy of the Police Integrity Unit and any deficiencies in its resourcing or legislative powers, as well as the appropriateness of its use of seconded police officers.

### Recommendation 73

Thereafter the Parliamentary Crime and Corruption Committee conduct a further evaluation of the Police Integrity Unit every five years. These reviews should be independent and distinct from the review cycle of the Crime and Corruption Commission.

### Recommendation 74

Within six months, the Queensland Government partner with and fund tertiary institutions to develop and deliver tertiary courses which provide training in investigative skills.

### Recommendation 75

Within six months, the Queensland Police Service implement the following mechanisms to enhance the ethical health of the Service:

- employing data and strategic intelligence analysts to design robust reporting which supports organisational decision-making
- engaging an external evaluator to assess the Queensland Police Service's capacity to adopt and integrate early warning systems that incorporate discipline and HR information into decision-making
- undertaking annual public reporting of de-identified sanctions and outcomes of disciplinary hearings to uphold transparency and community confidence.



## **HUMAN RIGHTS CONSIDERATIONS**

The recommendation for an independent Police Integrity Unit to investigate complaints involving police will remove any perception of bias, ensure transparency of process, and the independence and effectiveness of any investigation. It promotes the rights of both the victim making the complaint and the officer who is the subject of the complaint, to recognition and equality before the law (s 15 HRA) and the right to a fair hearing (s 31 HRA). The Commission does not anticipate any limitation of human rights.

Making a complaint about police can be challenging for victims and there is a need for access to support both during the complaint process and the investigation. The recommendations provide for a victim advocate to assist victims generally, as well as a First Nations victim advocate and staff to support First Nations peoples and to ensure they can make a complaint in a way that is culturally safe and appropriate. The recommendations promote the rights of recognition and equality before the law (s 15 HRA) and cultural rights (ss 27 and 28 HRA).

## ENDNOTES – PART 5

- 1 Graham Smith, 'Effective investigation of alleged police human rights abuse: Combating impunity' in Ralf Alleweldt and Guido Fickenscher (eds), *The Police and International Human Rights Law* (Springer International Publishing, 2018) [pp 83–101].
- 2 82.4% of adults were 'satisfied' or 'very satisfied' with police responses generally, compared to the National average of 80.7%. Amongst community members who had contact with police over the previous 12 months, 82.5% in Queensland were 'satisfied' or 'very satisfied' with police versus the national average of 81.9%; Steering Committee for the Review of Government Service Provision, *Report on Government Services 2022* (Productivity Commission Report, 25 January 2022) [pt C, s 6, Table 6A.6].
- 3 Domestic and family violence survivors' experiences of the QPS survey, conducted by the Commission of Inquiry via Qualtrics, July 2022 (emphasis added).
- 4 Transcript of proceedings, Hayley Grainger, 19 July 2022, Cairns [p 643: lines 16–20].
- 5 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement NTP 2.065, Item 2, requested 21 September 2022.
- 6 Confidential, Commission of Inquiry Submission 520, 5 September 2022.
- 7 Queensland Police Service, Closing submissions to the Commission of Inquiry, Attachment B, 22 August 2022 [p 3].
- 8 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2342: line 40–43].
- 9 G E Fitzgerald, *Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct* (Report of a Commission of Inquiry Pursuant to Orders in Council, 29 June 1989) [p 200].
- 10 G E Fitzgerald, *Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct* (Report of a Commission of Inquiry Pursuant to Orders in Council, 29 June 1989) [p 81].
- 11 G E Fitzgerald, *Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct* (Report of a Commission of Inquiry Pursuant to Orders in Council, 29 June 1989) [p 366].
- 12 Crime and Misconduct Commission, *Setting the Standard: A review of current processes for the management of police discipline and misconduct matters* (Report, December 2010) [p 10].
- 13 Crime and Misconduct Commission, *Setting the Standard: A review of current processes for the management of police discipline and misconduct matters* (Report, December 2010) [p 73]; Simone Webbe, Glen Williams and Felix Greyson, *Simple, Effective, Transparent, Strong: An independent review of the Queensland police complaints, discipline and misconduct system* (Report by the Independent Expert Panel, May 2011) [pp 85–87].
- 14 Max Bingham and Jill Bolen, Queensland Police Service Review, Report on the Review of the Queensland Police Service (Report, 1996); Crime and Misconduct Commission, *Setting the Standard: A review of current processes for the management of police discipline and misconduct matters* (Report, December 2010) [p 80].
- 15 Crime and Misconduct Commission, *Setting the Standard: A review of current processes for the management of police discipline and misconduct matters* (Report, December 2010) [pp 19, 157] citing Crime and Misconduct Commission, *Enhancing Integrity in the Queensland Police Service* (Report, 2008); Queensland Police Service, *Task Force Bletchley* (Report, 2015) [pp 131–132].
- 16 Simone Webbe, Glen Williams and Felix Greyson, *Simple, Effective, Transparent, Strong: An independent review of the Queensland police complaints, discipline and misconduct system* (Report by the Independent Expert Panel, May 2011) [pp 100–101; 114–116]; Queensland Police Service, *Task Force Bletchley* (Report, 2015) [p 124].
- 17 Simone Webbe, Glen Williams and Felix Greyson, *Simple, Effective, Transparent, Strong: An independent review of the Queensland police complaints, discipline and misconduct system* (Report by the Independent Expert Panel, May 2011) [p 22].
- 18 Tim Prenzler, 'Reform in politics, crime justice and the police' (2009) 18(3) *Griffith Law Review* 576 [pp 587–591].
- 19 Simone Webbe, Glen Williams and Felix Greyson, *Simple, Effective, Transparent, Strong: An independent review of the Queensland police complaints, discipline and misconduct system* (Report by the Independent Expert Panel, May 2011) [p 32]. The Steering Committee (which included the Commissioner of Police and Chairperson of the CMC) appointed to oversee this report sought that the authors not explore 'significant structural changes' regarding devolution.
- 20 Exhibit 40, Professor Tim Prenzler and Dr Michael Maguire CBE, *Report for the Independent Commission of Inquiry into QPS Responses to Domestic and Family Violence* (22 August 2022), Tender Bundle W, tendered 5 October 2022.
- 21 Exhibit 40, Professor Tim Prenzler and Dr Michael Maguire CBE, *Report for the Independent Commission of Inquiry into QPS Responses to Domestic and Family Violence* (22 August 2022), Tender Bundle W, tendered 5 October 2022 [pp 1–2].
- 22 Exhibit 40, Professor Tim Prenzler and Dr Michael Maguire CBE, *Report for the Independent Commission of Inquiry into QPS Responses to Domestic and Family Violence* (22 August 2022), Tender Bundle W, tendered 5 October 2022 [p 2].
- 23 Exhibit 40, Professor Tim Prenzler and Dr Michael Maguire CBE, *Report for the Independent Commission of Inquiry into QPS Responses to Domestic and Family Violence* (22 August 2022), Tender Bundle W, tendered 5 October 2022 [p 2].
- 24 Exhibit 40, Professor Tim Prenzler and Dr Michael Maguire CBE, *Report for the Independent Commission of Inquiry into QPS Responses to Domestic and Family Violence* (22 August 2022), Tender Bundle W, tendered 5 October 2022 [p 2].
- 25 Transcript of proceedings, Professor Tim Prenzler, 2 August 2022, Brisbane [p 1413: line 6]; Exhibit 40, Professor Tim Prenzler and Dr Michael Maguire CBE, *Report for the Independent Commission of Inquiry into QPS Responses to Domestic and Family Violence* (22 August 2022), Tender Bundle W, tendered 5 October 2022 [p 10].
- 26 Transcript of proceedings, Professor Tim Prenzler, 2 August 2022, Brisbane [p 1417: line 44].
- 27 Transcript of proceedings, Professor Tim Prenzler, 2 August 2022, Brisbane [p 1418: line 13].
- 28 Colleen Lewis, 'Crime and Misconduct Commission: Moving away from Fitzgerald' in Colleen Lewis, Ross Homel and Janet Ransley (eds), *The Fitzgerald Legacy: Reforming public life in Australia and beyond* (Australian Academic Press, 2010) [p 69].
- 29 Independent Broad-based Anti-corruption Commission Committee, Parliament of Victoria, *Inquiry into the external oversight of police corruption and misconduct in Victoria* (PP No 432, Session 2014–18, September 2018) [p 43]; Police Accountability Project, *Independent investigation of complaints against the police* (Briefing Paper, 2015) [p 17].
- 30 Independent Broad-based Anti-corruption Commission Committee, Parliament of Victoria, *Inquiry into the external oversight of police corruption and misconduct in Victoria* (PP No 432, Session 2014–18, September 2018) [p 11].
- 31 Colleen Lewis, 'Crime and Misconduct Commission: Moving away from Fitzgerald' in Colleen Lewis, Ross Homel and Janet Ransley (eds), *The Fitzgerald Legacy: Reforming public life in Australia and beyond* (Australian Academic Press, 2010) [p 72].
- 32 Transcript of proceedings, Professor Tim Prenzler, 2 August 2022, Brisbane [p 1428: line 2].
- 33 Exhibit 40, Professor Tim Prenzler and Dr Michael Maguire CBE, *Report for the Independent Commission of Inquiry into QPS Responses to Domestic and Family Violence* (22 August 2022), Tender Bundle W, tendered 5 October 2022 [p 10].
- 34 Transcript of proceedings, Professor Tim Prenzler, 2 August 2022, Brisbane [p 1422: lines 46–47].
- 35 Transcript of proceedings, Professor Tim Prenzler, 2 August 2022, Brisbane [p 1422: line 42].
- 36 Tim Prenzler, Mateja Mihnjac and Louise E Porter, 'Reconciling stakeholder interests in police complaints and discipline systems' (2013) 14(2) *Police Practice and Research* 155; *Police Accountability Project, Independent investigation of complaints against the police* (Briefing Paper, 2015) [p 11].
- 37 Transcript of proceedings, Professor Tim Prenzler, 2 August 2022, Brisbane [p 1422: line 27]; Tim Prenzler and Louise E Porter, 'Complainants' views on police complaints and discipline systems: The Gap between aspiration and experience' in Tim Prenzler and Garth den Heyer (eds) *Civilian oversight of police: Advancing accountability in law enforcement* (Taylor & Francis, 2016) [pp 73–93].
- 38 Transcript of proceedings, Professor Tim Prenzler, 2 August 2022, Brisbane [p 1430: lines 1–2].
- 39 G E Fitzgerald, *Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct* (Report of a Commission of Inquiry Pursuant to Orders in Council, 29 June 1989) [p 315]; Colleen Lewis, 'Crime and Misconduct Commission: Moving away from Fitzgerald' in Colleen Lewis, Ross Homel and Janet Ransley (eds) *The Fitzgerald Legacy: Reforming public life in Australia and beyond* (Australian Academic Press, 2010).
- 40 For example: the Manitoba Law Enforcement Review Agency, the Washington Office of Police Complaints, the Hong Kong Independent Commission Against Corruption and the Singapore Corrupt Practices Investigation Bureau.
- 41 Tim Prenzler and Garth den Heyer (eds) *Civilian oversight of police: Advancing accountability in law enforcement* (Taylor & Francis, 2016) [p 32].
- 42 Exhibit 40, Professor Tim Prenzler and Dr Michael Maguire CBE, *Report for the Independent Commission of Inquiry into QPS Responses to Domestic and Family Violence* (22 August 2022), Tender Bundle W, tendered 5 October 2022 [p 25].
- 43 Maurice Hayes, *A Police Ombudsman for Northern Ireland? A review of the police complaints system in Northern Ireland* (Final Report of the Northern Ireland Office, January 1997) [p v].
- 44 For example, at the national level: Steering Committee for the Review of Government Service Provision, *Report on Government Services 2022* (Productivity Commission Report, 25 January 2022); the state level: Queensland Treasury, *Service Delivery Statements Queensland Police Service 2022–23* (2022); and the agency level: Queensland Police Service, *Annual Report 2021–2022* (26 September 2022).
- 45 In order: International Covenant on Civil and Political Rights, opened for signature 19 December 1966, 999 UNTS 171 (entered into force 23 March 1976); Code of Conduct for Law Enforcement Officials, GA Res 34/169, UN Doc A/RES/34/169 (5 February 1980); Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials, ESC Res 1989/61, UN Doc E/RES/1989/61 (14 July 1989, adopted 24 May 1989); Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, GA Res 57/199, UN Doc A/RES/57/199 (22 June 2006, adopted 18 December 2002); Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, GA Res 43/173, UN Doc E/CN.4/RES/19(XXXIV) (9 December 1988); United Nations Office on Drugs and Crime, Handbook on police accountability, oversight and integrity (United Nations Guidance, 2011); International Criminal Police Organization (INTERPOL), Global Standards to Combat Corruption in Police Forces/Services, Doc No. AG-2001-RES-04, General Assembly, 70th sess, 24–28 September 2001; Council of Europe, Committee of Ministers Recommendation Rec(2001)10 of the Committee of Ministers to Member States on the European Code of Police Ethics, Doc No Rec(2001)10, Committee of Ministers, 756th Meeting of Ministers Deputies, 19 September 2001; Council of Europe, Commissioner for Human Rights, Opinion of the Commissioner for Human Rights Concerning Independent and Effective Determination of Complaints against the Police, Doc No CommDH(2009)4, 12 March 2009; 'Four Dimensions of Trust', *Australia and New Zealand Police Advisory Agency* (Web Hosted Document) <<https://www.anzpa.org.au/homepage-announcements/four-dimensions-of-trust>>; 'ICCS Plus: A Common Approach to Incident Management', *Australia and New Zealand Police Advisory Agency* (Web Hosted Document) <[https://www.anzpa.org.au/publications/general#iccs\\_plus](https://www.anzpa.org.au/publications/general#iccs_plus)>.

46 For example: Victorian Office of Police Integrity, *Review of the investigative process following a death associated with police contact* (Report, June 2011) [p 28].

47 Independent Broad-based Anti-corruption Commission Committee, Parliament of Victoria, *Inquiry into the external oversight of police corruption and misconduct in Victoria* (PP No 432, Session 2014-18, September 2018) [p 43], citing Council of Europe, Commissioner for Human Rights, *Opinion of the Commissioner for Human Rights Concerning Independent and Effective Determination of Complaints against the Police*, Doc No CommDH(2009)4, 12 March 2009; United Nations Office on Drugs and Crime, *Handbook on police accountability, oversight and integrity* (United Nations Guidance, 2011).

48 Crime and Misconduct Commission, *Setting the Standard: A review of current processes for the management of police discipline and misconduct matters* (Report, December 2010) [p 12].

49 Simone Webbe, Glen Williams and Felix Greyson, *Simple, Effective, Transparent, Strong: An independent review of the Queensland police complaints, discipline and misconduct system* (Report by the Independent Expert Panel, May 2011) [p 1].

50 As is outlined later in this chapter, the CCC outcome for dismissal of allegations is recorded as 'no further action'.

51 72.93% of all allegations received by the CCC about police are primarily handled by police. This figure represents 99.15% of all allegations that do not result in 'no further action'; Exhibit 20.2, Statement of Elizabeth Foulger, Tender Bundle N, tendered 1 August 2022 [p 21: para 120]; and Exhibit 20.3, Complaints breakdown contained in CCC Statement prepared by COI Statistician, Tender Bundle N, tendered 1 August 2022 [p 2].

52 Confidential, Commission of Inquiry Submission 738, 30 August 2022.

53 Note that in 2001, the CJC merged with the Queensland Crime Commission, and was renamed the Crime and Misconduct Commission. In 2014, the Crime and Misconduct Commission was renamed the Crime and Corruption Commission.

54 G E Fitzgerald, *Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct* (Report of a Commission of Inquiry Pursuant to Orders in Council, 29 June 1989) [p 299].

55 Colleen Lewis, 'Crime and Misconduct Commission: Moving away from Fitzgerald' in Colleen Lewis, Ross Homel and Janet Ransley (eds), *The Fitzgerald Legacy: Reforming public life in Australia and beyond* (Australian Academic Press, 2010) [p 57].

56 Ross Homel, 'Integrating Investigation and Prevention: Managing the Transformation of the Queensland Criminal Justice Commission' (1997) 4(2) *Queensland Review* 37 [p 39], citing Criminal Justice Commission, *Complaints Statistics – to 31 July 1997* (Report, 1997).

57 The informal devolution of matters began around 1999, but devolution was formally implemented by the then Crime and Misconduct Commission (CMC) in 2001. G E Fitzgerald and A Wilson, *Commission of Inquiry relating to the Crime and Corruption Commission Report* (Report, 9 August 2022) [p 185]; Colleen Lewis, 'Crime and Misconduct Commission: Moving away from Fitzgerald' in Colleen Lewis, Ross Homel and Janet Ransley (eds), *The Fitzgerald Legacy: Reforming public life in Australia and beyond* (Australian Academic Press, 2010) [p 70]; *Crime and Corruption Act 2011* (Qld) s 34(c); 'Why we refer complaints to agencies', *Crime and Corruption Commission* (Web Page, 20 September 2019) <<https://www.ccc.qld.gov.au/complainants/why-we-refer-complaints-to-agencies>>.

58 Tim Prenzler, 'Reform in politics, crime justice and the police' (2009) 18(3) *Griffith Law Review* 576 [p 582]; Colleen Lewis, 'Crime and Misconduct Commission: Moving away from Fitzgerald' in Colleen Lewis, Ross Homel and Janet Ransley (eds), *The Fitzgerald Legacy: Reforming public life in Australia and beyond* (Australian Academic Press, 2010) [pp 70–71].

59 Simone Webbe, Glen Williams and Felix Greyson, *Simple, Effective, Transparent, Strong: An independent review of the Queensland police complaints, discipline and misconduct system* (Report by the Independent Expert Panel, May 2011) [p 18], citing P Beattie, *Parliamentary Debates*, Wednesday 6 November 2002.

60 Simone Webbe, Glen Williams and Felix Greyson, *Simple, Effective, Transparent, Strong: An independent review of the Queensland police complaints, discipline and misconduct system* (Report by the Independent Expert Panel, May 2011) [p 19], citing Crime and Misconduct Commission, *Setting the Standard: A review of current processes for the management of police discipline and misconduct matters* (Report, December 2010) [p 10]; Tim Prenzler, 'Reform in politics, crime justice and the police' (2009) 18(3) *Griffith Law Review* 576 [p 583].

61 Transcript of proceedings, Professor Tim Prenzler, 2 August 2022, Brisbane [p 1414: lines 19–28; p 1416: lines 10–17].

62 Transcript of proceedings, Professor Tim Prenzler, 2 August 2022, Brisbane [p 1422: lines 20–25].

63 Tim Prenzler et al, 'Reducing public complaints and use of force: the Portland Police Bureau experience' (2016) 2(4) *Journal of Criminological Research, Policy and Practice* 260 [p 261].

64 Exhibit 40, Professor Tim Prenzler and Dr Michael Maguire CBE, *Report for the Independent Commission of Inquiry into QPS Responses to Domestic and Family Violence* (22 August 2022), Tender Bundle W, tendered 5 October 2022 [p 8].

65 *Crime and Corruption Act 2011* (Qld) s 4; *Witness Protection Act 2014* (Qld) s 5.

66 Peter Coaldrake, *Let the sunshine in: Review of culture and accountability in the Queensland public sector* (Final Report, 28 June 2022) [p 32].

67 Each financial year since 2016/17, complaints about police account for between 42 per cent and 65 per cent of all complaints received by the CCC: Exhibit 20.2, Statement of Elizabeth Foulger, Tender Bundle N, tendered 1 August 2022 [p 6: para 27].

68 *Crime and Corruption Act 2011* (Qld) sch 2.

69 *Crime and Corruption Act 2011* (Qld) s 15.

70 Based on information provided by the Crime and Corruption Commission in response to the Commission Requirement, NTP 3.002, Item 1, requested 13 June 2022.

71 Transcript of proceedings, Elizabeth Foulger, 1 August 2022, Brisbane [p 1383: lines 35–43].

72 Transcript of proceedings, Elizabeth Foulger, 1 August 2022, Brisbane [p 1398: lines 10–12].

73 Transcript of proceedings, Elizabeth Foulger, 1 August 2022, Brisbane [p 1375: lines 38–42].

74 Transcript of proceedings, Elizabeth Foulger, 1 August 2022, Brisbane [p 1375: lines 45–46].

75 Transcript of proceedings, Elizabeth Foulger, 1 August 2022, Brisbane [p 1377: lines 12–18; p 1382: lines 21–22; p 1383: lines 15–18]; Exhibit 20.2, Statement of Elizabeth Foulger, Tender Bundle N, tendered 1 August 2022 [para 56].

76 Transcript of proceedings, Elizabeth Foulger, 1 August 2022, Brisbane [p 1384: lines 10–16].

77 Transcript of proceedings, Elizabeth Foulger, 1 August 2022, Brisbane [p 1384: line 29].

78 *Crime and Corruption Act 2001* (Qld) s 33.

79 *Crime and Corruption Act 2001* (Qld) s 35(1).

80 *Crime and Corruption Act 2001* (Qld) s 4, 23, 33, 32, 47 and 48.

81 Transcript of proceedings, Elizabeth Foulger, 1 August 2022, Brisbane [p 1393: lines 40–42].

82 *Crime and Corruption Act 2001* (Qld) s 47.

83 A very small number of allegations (0.18%) were awaiting assessment.

84 An 'allegation' is each individual accusation about what a police officer did. A 'complaint' is each instance a person (the complainant) makes a complaint. A single complaint could contain multiple allegations.

85 Exhibit 20.2, Statement of Elizabeth Foulger, Tender Bundle N, tendered 1 August 2022 [p 21: para 120]; Exhibit 20.3, Complaints breakdown contained in CCC Statement prepared by COI Statistician, Tender Bundle N, tendered 1 August 2022 [p 2].

86 The CCC can oversee police complaints in two ways. Public Interest Review, the higher level of oversight, was applied to 1,373 allegations (5.17%). Merit and Compliance Review, the lower level of oversight, was applied to 1,239 allegations (4.67%).

87 Exhibit 20.2, Statement of Elizabeth Foulger, Tender Bundle N, 1 August 2022, [para 120]; Exhibit 20.3, Complaints breakdown contained in CCC Statement prepared by COI Statistician, Tender Bundle N, 1 August 2022 [p 2].

88 A very small number of complaints (47) were still 'under assessment', which means the CCC has not decided how to handle them yet.

89 Crime and Misconduct Commission, *Setting the Standard: A review of current processes for the management of police discipline and misconduct matters* (Report, December 2010) [p 15].

90 Simone Webbe, Glen Williams and Felix Greyson, *Simple, Effective, Transparent, Strong: An independent review of the Queensland police complaints, discipline and misconduct system* (Report by the Independent Expert Panel, May 2011) [p 14].

91 Tim Prenzler, 'Reform in politics, crime justice and the police' (2009) 18(3) *Griffith Law Review* 576 [p 587].

92 Transcript of proceedings, Professor Tim Prenzler, 2 August 2022, Brisbane [p 1424: lines 22–30].

93 Confidential, Commission of Inquiry Submission 187, 6 July 2022.

94 Transcript of proceedings, Elizabeth Foulger, 1 August 2022, Brisbane [p 1398: lines 33–37]. Unless the allegations are so serious they involve a significant risk of harm: then the CCC will refer the complaint to QPS, regardless of the complainant's consent.

95 Transcript of proceedings, Elizabeth Foulger, 1 August 2022, Brisbane [p 1398: lines 10–12].

96 'Police misconduct, operational and administrative actions', *Queensland Ombudsman* (Web Page, 8 November 2021) <<https://www.ombudsman.qld.gov.au/how-to-complain/complaints-process/common-complaints/police-misconduct-operational-and-administrative-actions>>; See also *Ombudsman Act 2001* (Qld) ss 6–7, 9.

97 Based on data for the period 1 July 2016 to 30 June 2021, provided by the Office of the Queensland Ombudsman in response to the Commission Requirement, NTP 8.001, requested 1 July 2022.

98 Based on data for the period 1 July 2016 to 30 June 2021, provided by the Office of the Queensland Ombudsman in response to the Commission Requirement, NTP 8.001, requested 1 July 2022.

99 Statement of Neroli Holmes, provided by the Queensland Human Rights Commission in response to the Commission Requirement, NTP 7.001, received 1 July 2022.

100 *Crime and Corruption Act 2001* (Qld) sch 1 – reviewable decisions.

101 *Queensland Civil and Administrative Tribunal Act 2009* (Qld) s 142.

102 *Queensland Civil and Administrative Tribunal Act 2009* (Qld) s 149.

103 'Ethical Standards Command', Queensland Police Service (Web Page, 14 October 2021) <<https://www.police.qld.gov.au/organisational-structure/strategy-and-corporate-services/ethical-standards-command>>.

104 Transcript of proceedings, Detective Inspector David Nixon, 1 August 2022, Brisbane [p 1300: lines 30–33].

105 A team of police dedicated to investigating complaints about police.

106 This unit is responsible for strategic intelligence, risk analysis and the development of policy and training.

107 Their responsibilities include the delegation of day-to-day activities such as preliminary inquiries or the investigation itself to a QPS member (described in this context as a 'case officer').

108 Exhibit 34.1, Statement of Assistant Commissioner Cheryl Scanlon, Tender Bundle R, 5 August 2022 [p 3: para 10].

109 Transcript of proceedings, Assistant Commissioner Cheryl Scanlon, 5 August 2022, Brisbane [p 1718: lines 9–16].

110 Exhibit 20.1, Statement of Detective Inspector David Nixon, Attachment B (Complaint Flowchart), Tender Bundle N, tendered 1 August 2022.

111 *Crime and Corruption Act 2001* (Qld) sch 2 – Dictionary.

112 Exhibit 20.1, Statement of Detective Inspector David Nixon, Attachment B (Complaint Flowchart), Tender Bundle N, tendered 1 August 2022.

113 Police Accountability Project, *Independent investigation of complaints against the police* (Briefing paper, 2015) [p 11].

114 Tim Prenzler, Mateja Mihnjac and Louise E. Porter, 'Reconciling stakeholder interests in police complaints and discipline systems' (2013) 14(2) *Police Practice and Research* 155 [p 159].

115 Transcript of proceedings, Assistant Commissioner Cheryl Scanlon, 5 August 2022, Brisbane [p 1720: lines 29–36].

116 Transcript of proceedings, Assistant Commissioner Cheryl Scanlon, 5 August 2022, Brisbane [p 1721: line 23].

117 Exhibit 20.1, Statement of Detective Inspector David Nixon, Attachment A (Ethical Standards Command Complaint Resolution Guidelines), Tender Bundle N, tendered 1 August 2022 [p: 34]; 'assessment inquiries' refers to the preliminary investigation conducted once a complaint is received.

118 Transcript of proceedings, Assistant Commissioner Cheryl Scanlon, 5 August 2022, Brisbane [p 1720: lines 29–36]; Exhibit 20.1, Statement of Detective Inspector David Nixon, Attachment A (Ethical Standards Command Complaint Resolution Guidelines), Tender Bundle N, tendered 1 August 2022 [p 26]. The Guidelines also indicate that consideration may be given to detailing the investigation to a member who is not senior in rank to the subject member and allocating a more senior member to overview the investigation.

119 Transcript of proceedings, Assistant Commissioner Cheryl Scanlon, 5 August 2022, Brisbane [p 1721: line 21]; 'Service Manuals Definitions', Queensland Police Service (Web Hosted Document, 26 November 2021) <<https://www.police.qld.gov.au/sites/default/files/2021-11/Service%20Manuals%20Definitions.pdf>>.

120 Crime and Misconduct Commission, *Setting the Standard: A review of current processes for the management of police discipline and misconduct matters* (Report, December 2010) [p 15].

121 A member of the ESC stationed within the various QPS Districts and Regions.

122 Transcript of proceedings, Detective Inspector David Nixon, 1 August 2022, Brisbane [p 1329: line 16 – p 1333: line 47].

123 Transcript of proceedings, Assistant Commissioner Cheryl Scanlon, 5 August 2022, Brisbane [p 1722: lines 35–40].

124 Transcript of proceedings, Detective Inspector David Nixon, 1 August 2022, Brisbane [p 1334: lines 36].

125 Transcript of proceedings, Assistant Commissioner Cheryl Scanlon, 5 August 2022, Brisbane [p 1722: lines 28–29].

126 Exhibit 20.1, Statement of Detective Inspector David Nixon, Tender Bundle N, tendered 1 August 2022 [p 3: para 8].

127 Exhibit 39 (B19), Summary of Interviews with affected female officers involved in case study 3, Tender Bundle W, tendered 5 October 2022 (emphasis added).

128 Exhibit 6.3, Statement of James Treanor, Tender Bundle C, tendered 13 July 2022 [p 5: para 30].

129 Exhibit 6.3, Statement of James Treanor, Tender Bundle C, tendered 13 July 2022 [p 4: para 20–33].

130 Confidential, Commission of Inquiry Submission 768, 4 July 2022 [p 5].

131 Transcript of proceedings, Assistant Commissioner Cheryl Scanlon, 5 August 2022, Brisbane [p 1723: line 32 – p 1726: line 4].

132 Transcript of proceedings, Assistant Commissioner Cheryl Scanlon, 5 August 2022, Brisbane [p 1727: lines 28–32].

133 Transcript of proceedings, Detective Inspector David Nixon, 1 August 2022, Brisbane [p 1333: lines 11–21].

134 Exhibit 34.1, Statement of Assistant Commissioner Cheryl Scanlon, Tender Bundle R, 5 August 2022 [p 2: para 8].

135 Exhibit 34.1, Statement of Assistant Commissioner Cheryl Scanlon, Tender Bundle R, 5 August 2022 [p 2: para 8].

136 Confidential, Commission of Inquiry Submission 12, 9 June 2022.

137 Based on information provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.039, Item 1, requested 21 August 2022.

138 Exhibit 39 (B22), Case study 5, Tender Bundle W, tendered 5 October 2022; Disciplinary file, provided by Queensland Police Service in response to the Commission Requirement, NTP 2.065, Item 1, requested 21 September 2022.

139 CCC Investigation File, provided by the Crime and Corruption Commission in response to the Commission Requirement, NTP 3.008, Item 2, requested 25 August 2022.

140 Domestic and family violence survivors' experiences of the QPS survey, conducted by the Commission of Inquiry via Qualtrics, July 2022

141 Eden Gillespie, 'Queensland police discipline system 'failed' officers sexually assaulted by colleagues, minister says', *The Guardian Australia* (online, 12 October 2022) <<https://www.theguardian.com/australia-news/2022/oct/12/queensland-police-discipline-system-failed-officers-sexually-assaulted-by-colleagues-minister-says>>.

142 The exact figure is 24,335 allegations.

143 Based on data for the period 1 January 2017 to 30 June 2022 provided in Exhibit 20.1, Statement of Detective Inspector David Nixon, Attachment C (ESC Domestic Violence Statistics – Commission of Inquiry Report, 1 January 2017 to 30 June 2022), Tender Bundle N, tendered 1 August 2022.

144 18,566 allegations.

145 4,791 allegations.

146 785 allegations.

147 193 allegations.

148 Police Accountability Project, *Independent investigation of complaints against the police* (Briefing Paper, 2015) [p 4]; Office of Police Integrity, *A fair and effective Victoria Police Discipline System* (Report, October 2007).

149 For example: *Police Service (Discipline Regulations) 1990* (Qld) s 3; Simone Webbe, Glen Williams and Felix Greyson, *Simple, Effective, Transparent, Strong: An independent review of the Queensland police complaints, discipline and misconduct system* (Report by the Independent Expert Panel, May 2011); Crime and Misconduct Commission, *Setting the Standard: A review of current processes for the management of police discipline and misconduct matters* (Report, December 2010); Office of Police Integrity, *A fair and effective Victoria Police Discipline System* (Report, October 2007).

150 *Police Service Administration (Discipline Reform) and Other Legislation Amendment Bill 2019*: Amendments included implementing timeframes, modernising sanctions, formalising the role and range of management strategies, and addressing review provisions that apply to the CCC. New sanctions included suspension from duty without pay for a period not exceeding 12 months; disciplinary probation; demotion for a specified period (in addition to permanent demotion); comprehensive transfer; local transfer; performance of up to 100 hours community service; and increasing the maximum fine for 2 penalty units to 50 penalty units. Amendments also removed the ability to impose a sanction by way of pay point reduction.

151 *Police Service Administration Act 1990* s 7.1; Exhibit 20.1, Statement of Detective Inspector David Nixon, Tender Bundle N, tendered 1 August 2022 [p 2: para 6].

152 ADP is a "plea bargain" type arrangement where a subject officer takes responsibility for their actions and consents to receiving an agreed sanction and professional development strategies for the allegation, knowing there will be no review. ADPs are designed to be straight forward, timely and as simple as possible, having regard to the seriousness of the allegation.

153 The amendments also led to the introduction of statutory time limits, of one year from the date the discipline ground arose or six months from when the complaint was made, for the commencement of disciplinary proceedings against officers for misconduct and other disciplinable conduct complaints. Circumstances do exist to "stop the clock" in specific circumstances.

154 Transcript of proceedings, Detective Inspector David Nixon, 1 August 2022, Brisbane [p 1361: lines 36–39].

155 Based on data for the period 1 January 2012 to 31 December 2021, provided by the Queensland Police Service in response to Commissioner Requirement, NTP 2.002, requested 2 June 2022.

156 Explanatory Notes, *Police Service Administration (Discipline Reform) and Other Legislation Amendment Bill 2019* (Qld) [p 2].

157 Based on data for the period 1 January 2017 to 30 June 2022 provided in Exhibit 20.1, Statement of Detective Inspector David Nixon, Attachment C (ESC Domestic Violence Statistics – Commission of Inquiry Report, 1 January 2017 to 30 June 2022), Tender Bundle N, tendered 1 August 2022.

158 Queensland Police Union of Employees, Closing submissions to the Commission of Inquiry, 25 August 2022.

159 Exhibit 20.1, Statement of Detective Inspector David Nixon, Attachment A (Ethical Standards Command Complaint Resolution Guidelines), Tender Bundle N, tendered 1 August 2022 [p 22].

160 Queensland Police Service, Submissions in response to the draft report of the Commission of Inquiry – Part 5, 28 October 2022 [p 3].

161 Exhibit 20.1, Statement of Detective Inspector David Nixon, Attachment A (Ethical Standards Command Complaint Resolution Guidelines), Tender Bundle N, tendered 1 August 2022 [p 25].

162 31.7% of allegations assessed as having sufficient evidence to proceed.

163 Based on data for the period 1 January 2012 to 31 December 2021, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.002, Items 2 and 3, requested 2 June 2022.

164 Exhibit 39 (B2), Case study 1, Tender Bundle W, tendered 5 October 2022.

165 Confidential, Commission of Inquiry Submission 462, 2 September 2022.

166 Confidential, Commission of Inquiry Submission 371, 1 September 2022.

167 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2228: lines 40–43].

168 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2179: lines 5–13].

169 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2179: lines 13–17] (emphasis added).

170 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2183: lines 31–43].

171 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2184: lines 2–4].

172 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2184: lines 17–23].

173 Confidential, Commission of Inquiry Submission 702, 5 October 2022.



174 Exhibit 39 (B19), Case study 3, Tender Bundle W, tendered 5 October 2022.

175 QCAT Review file, provided by the Crime and Corruption Commission in response to the Commission Requirement NTP 3.007, Item 2, requested 4 August 2022.

176 Transcript of proceedings, Sergeant Paul Trinder, 14 July 2022, Brisbane [p 333: lines 16–23] (emphasis added).

177 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2184: lines 9–10] (emphasis added).

178 Confidential, Commission of Inquiry Submission 371, 1 September 2022.

179 Based on data provided by Queensland Police Service in response to the Commission Requirement NTP 2.002, requested 2 June 2022

180 Queensland Police Service, *Ethical Standards Command: Complaint Resolution Guidelines* (QPS Guidelines, 7 January 2021) [p. 10].

181 Queensland Police Service, *Ethical Standards Command: Complaint Resolution Guidelines* (QPS Guidelines, 7 January 2021) [p. 10] (emphasis added).

182 Queensland Police Service, *Ethical Standards Command: Complaint Resolution Guidelines* (QPS Guidelines, 7 January 2021) [pp 10, 25].

183 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2109: lines 42–45].

184 Exhibit 39 (B2), Case study 1, Tender Bundle W, tendered 5 October 2022.

185 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2161: lines 11–18]. The Police Commissioner accepted that Local Management Resolutions are not ordinarily recorded.

186 Exhibit 39 (B20), Case Study 4, Tender Bundle W, tendered 5 October 2022 (emphasis added).

187 Exhibit 39 (B20), Case Study 4, Tender Bundle W, tendered 5 October 2022 (emphasis added).

188 Exhibit 39 (B20), Case study 4, Tender Bundle W, tendered 5 October 2022 (emphasis added).

189 Exhibit 39 (B20), Case study 4, Tender Bundle W, tendered 5 October 2022.

190 Exhibit 39 (B20), Case study 4, Tender Bundle W, tendered 5 October 2022.

191 Service Delivery and Performance Commission, *Report on the Service Delivery and Performance Management Review of the Queensland Police Service* (Report, 2008) [p 83].

192 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2108: line 40–41].

193 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2228: lines 40–43].

194 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2178: line 38 – p 2179: line 3].

195 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2109: lines 18–20].

196 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2109: lines 16–17].

197 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2178: line 40 – p 2178: line 3].

198 Exhibit 20.1, Statement of Detective Inspector David Nixon, Tender Bundle N, tendered 1 August 2022 [p 9: para 50 – p 10: para 54] and Attachment A (Ethical Standards Command Complaint Resolution Guidelines) [pp 22–25].

199 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2125: lines 5–7].

200 Disciplinary file, provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.060, Item 13, requested 15 September 2022.

201 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2083]; Exhibit 39 (B5), Paul Taylor complaint briefing note and Local Management Resolution outcome, Tender Bundle W, tendered 5 October 2022.

202 Exhibit 39 (B5), Paul Taylor complaint briefing note and Local Management Resolution outcome, Tender Bundle W, tendered 5 October 2022; Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2086: line 45 – p 2087: line 31].

203 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2087].

204 Exhibit 39 (B5), Paul Taylor complaint briefing note and Local Management Resolution outcome, Tender Bundle W, tendered 5 October 2022; Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2092].

205 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [pp 2092–2093].

206 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2087: line 45 – p 2088: line 8].

207 Simone Webbe, Glen Williams and Felix Greyson, *Simple, Effective, Transparent, Strong: An independent review of the Queensland police complaints, discipline and misconduct system* (Report by the Independent Expert Panel, May 2011) [p 132].

208 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2185: line 11 – p 2186: line 34].

209 Transcript of proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2185: lines 11–14].

210 As previously noted, the CCC investigated less than 1% of allegations against police received between 2016-7 to 2021-2; and only 4% of allegations about police misconduct finalised by the QPS between January 2017 and June 2022 progressed to any disciplinary process, 1% proceeding to an ADP and 3% proceeding to a Hearing.

211 As previously noted, no further action was taken in respect of 76% of allegations finalised by the QPS between January 2017 and June 2022.

212 G E Fitzgerald, Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct (Report of a Commission of Inquiry Pursuant to Orders in Council, 29 June 1989) [p 81] (emphasis added).

213 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2342: lines 36–43] (emphasis added).

214 Confidential, Commission of Inquiry Submission 520, 5 September 2022 (emphasis added).

215 WWILD Sexual Violence Prevention Association, Commission of Inquiry Submission 158, 27 June 2022.

216 WWILD Sexual Violence Prevention Association, Commission of Inquiry Submission 158, 27 June 2022.

217 Micah Projects, Commission of Inquiry Submission 198, 8 July 2022 [para 4.10].

218 Brisbane Youth Service, Commission of Inquiry Submission 93, 23 June 2022.

219 Graham Smith, 'Why don't more people complain against the police?' (2009) 6 (3) *European Journal of Criminology* 249.

220 Ending Violence Against Women Queensland, Commission of Inquiry Submission 186, 6 July 2022; WWILD Sexual Violence Prevention Association, Commission of Inquiry Submission 158, 27 June 2022; Confidential, Commission of Inquiry Submission 58, 17 June 2022; Confidential, Commission of Inquiry Submission 131, 24 June 2022; Confidential, Commission of Inquiry, Submission 80, 22 June 2022.

221 Transcript of proceedings, Hayley Grainger, 19 July 2022, Cairns [p 650: lines 7–9]; North Queensland Women's Legal Service, Commission of Inquiry Submission 146, 24 June 2022.

222 Transcript of proceedings, Dr Michael Maguire CBE, 2 August 2022, Brisbane [p 1466: lines 1–5] (emphasis added).

223 Exhibit 39 (C6), QPS Officer's separation notice email dated 7 September 2022, Tender Bundle W, tendered 5 October 2022 [p 2].

224 Brisbane Youth Service, Commission of Inquiry Submission 93, 23 June 2022.

225 Jane Goodman-Delahanty and Anna Corbo Crehan, 'Enhancing Police Responses to Domestic Violence Incidents: Reports From Client Advocates in New South Wales' (2016) 22(8) *Violence Against Women* 1007 [p 1019].

226 Domestic and family violence survivors' experiences of the QPS survey, conducted by the Commission of Inquiry via Qualtrics, July 2022.

227 Email to State Coordinator ESC regarding 466 Forte-Maddison inquest, 30 April 2021, provided by Queensland Police Service in response to the Commission Requirement, NTP 2.053, Item 2, requested 6 September 2022.

228 Transcript of proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2309: lines 21–32].

229 Assessment Inquiries – Criminal Allegations CS 2021/00497, 19 July 2021, provided by Queensland Police Service in response to the Commission Requirement, NTP 2.053, Item 2, requested 6 September 2022 [p 7].

230 Assessment Inquiries – Disciplinary Allegations CS 2021/00497, 26 July 2021, provided by Queensland Police Service in response to the Commission Requirement, NTP 2.053, Item 2, requested 6 September 2022 [p 10].

231 Assessment Inquiries – Disciplinary Allegations CS 2021/00497, 26 July 2021, provided by Queensland Police Service in response to the Commission Requirement, NTP 2.053, Item 2, requested 6 September 2022 [p 9].

232 Domestic and family violence survivors' experiences of the QPS survey, conducted by the Commission of Inquiry via Qualtrics, July 2022.

233 Katie Strudwick, 'Is independence the only answer to complainants' satisfaction of the police complaints process? A perspective from the United Kingdom' (2003) 4(1) *Police Practice and Research* 35 [p 41], citing Andrew Goldsmith, *Complaints Against the Police: The Trend to External Review* (Clarendon Press, 1991).

234 North Queensland Women's Legal Service, Commission of Inquiry Submission 146, 24 June 2022.

235 Office of State Discipline, Meeting with the Commission of Inquiry, held on 28 July 2022.

236 Office of State Discipline, Meeting with the Commission of Inquiry, held on 28 July 2022.

237 Transcript of proceedings, Professor Tim Prenzler, 2 August 2022, Brisbane [p 1441: lines 3–7].

238 Micah Projects, Commission of Inquiry Submission 198, 8 July 2022; Women's Health and Equality Queensland, Commission of Inquiry Submission 192, 7 July 2022; Queensland Human Rights Commissioner, Commission of Inquiry Submission 161, 27 June 2022.

239 Queensland Police Service, Closing submissions to the Commission of Inquiry, 22 August 2022 [p 5].

240 Transcript of proceedings, Dr Michael Maguire CBE, 2 August 2022, Brisbane [p 1454: lines 9–17].

241 Women's Safety and Justice Taskforce, *Hear her voice: Report 2 – Women and girls' experiences across the criminal justice system* (Report Two, July 2022) [Recommendation 18].

242 G E Fitzgerald, *Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct* (Report of a Commission of Inquiry Pursuant to Orders in Council, 29 June 1989) [p 268]; see also Marni Manning, 'Reframing the lesson: promoting the continued relevance of the Fitzgerald Inquiry to policing in Queensland' (2014) 9(2) *Journal of Policing, Intelligence*



and Counter Terrorism 135 [pp 142, 144–145].

- 243 G E Fitzgerald, *Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct* (Report of a Commission of Inquiry Pursuant to Orders in Council, 29 June 1989) [p 268]; see also Marni Manning, 'Reframing the lesson: promoting the continued relevance of the Fitzgerald Inquiry to policing in Queensland' (2014) 9(2) *Journal of Policing, Intelligence and Counter Terrorism* 135 [pp 142, 144–145].
- 244 Service Delivery and Performance Commission, *Report on the Service Delivery and Performance Management Review of the Queensland Police Service* (Report, 2008) [pp 80–84]; Marni Manning, 'Reframing the lesson: promoting the continued relevance of the Fitzgerald Inquiry to policing in Queensland' (2014) 9(2) *Journal of Policing, Intelligence and Counter Terrorism* 135 [pp 142, 144–145].
- 245 G A Kennedy, *Royal Commission into whether there has been corrupt or criminal conduct by any Western Australian police officer* (Final Report, Volume 2, January 2004) [p 8].
- 246 M J Keilty, *Sustaining the Unsustainable: Police and Community Safety Review* (Final Report, August 2013) [p 226].
- 247 Service Delivery and Performance Commission, *Report on the Service Delivery and Performance Management Review of the Queensland Police Service* (Report, 2008) [p 78].
- 248 Tim Prenzler et al, 'Reducing public complaints and use of force: the Portland Police Bureau experience' (2016) 2(4) *Journal of Criminological Research, Policy and Practice* 260; Louise E Porter, Tim Prenzler and Jenny Fleming, 'Complaint reduction in the Tasmania Police' (2012) 22(4) *Policing and Society* 426.
- 249 Queensland Police Service, Closing submissions to the Commission of Inquiry, Attachment B, 22 August 2022 [p 12].
- 250 Queensland Police Union of Employees, Closing submissions to the Commission of Inquiry, 25 August 2022 [p 1: para 3].
- 251 Premier and Minister for the Olympics the Honourable Anastacia Palaszczuk, "'Lock, stock and barrel" Premier embraces Coaldrake Review' (Media Statement, 28 June 2022).
- 252 One in Three Campaign, Commission of Inquiry Submission 113, 24 June 2022; Queensland Sexual Assault Network, Commission of Inquiry Submission 190, 7 July 2022; Women's Legal Service Queensland, Commission of Inquiry Submission 219, 15 July 2022.
- 253 Exhibit 40, Professor Tim Prenzler and Dr Michael Maguire CBE, *Report for the Independent Commission of Inquiry into QPS Responses to Domestic and Family Violence* (22 August 2022), Tender Bundle W, tendered 5 October 2022 [pp 14–16].
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- 255 G E Fitzgerald and A Wilson, *Commission of Inquiry relating to the Crime and Corruption Commission Report* (Report, 9 August 2022).
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- 257 Transcript of proceedings, Dr Michael Maguire CBE, 2 August 2022, Brisbane [p 1460: lines 24–29].
- 258 Exhibit 40, Professor Tim Prenzler and Dr Michael Maguire CBE, *Report for the Independent Commission of Inquiry into QPS Responses to Domestic and Family Violence* (22 August 2022), Tender Bundle W, tendered 5 October 2022 [Table 3].
- 259 Transcript of proceedings, Dr Michael Maguire CBE, 2 August 2022, Brisbane [p 1454: lines 1–5]; Exhibit 40, Professor Tim Prenzler and Dr Michael Maguire CBE, *Report for the Independent Commission of Inquiry into QPS Responses to Domestic and Family Violence* (22 August 2022), Tender Bundle W, tendered 5 October 2022 [p 15].
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- 261 Services provided by the CCC may include administrative and corporate support, Human Resources, access to research and intelligence capabilities.
- 262 Queensland Police Service, Submissions in response to the draft report of the Commission of Inquiry – Part 5, 28 October 2022 [pp 7–8].
- 263 Crime and Corruption Commission, Submissions in response to the draft report of the Commission of Inquiry – Part 5, 25 October 2022 [p 1].
- 264 Women's Legal Service Queensland, Submissions in response to the draft report of the Commission of Inquiry, 27 October 2022 [p 17].
- 265 Queensland Police Union of Employees, Submissions in response to the draft report of the Commission of Inquiry – Part 5, 27 October 2022 [p 2].
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- 268 Peter Coaldrake, *Let the sunshine in: Review of culture and accountability in the Queensland public sector* (Final Report, 28 June 2022).
- 269 *Crime and Corruption Act 2001* (Qld) ch 3.
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- 272 Crime and Misconduct Commission, *Enhancing Integrity in the Queensland Police Service* (Report, 2008).
- 273 Crime and Misconduct Commission, *Setting the Standard: A review of current processes for the management of police discipline and misconduct matters* (Report, December 2010).
- 274 Queensland Police Service, *Task Force Bletchley* (Report, 2015) [Recommendation 3].
- 275 Exhibit 40, Professor Tim Prenzler and Dr Michael Maguire CBE, *Report for the Independent Commission of Inquiry into QPS Responses to Domestic and Family Violence* (22 August 2022), Tender Bundle W, tendered 5 October 2022.
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- 277 Parliamentary Crime and Corruption Committee, *Inquiry into the CCC's investigation of former councillors of Logan City Council; and related matters* (Report No. 108, December 2021).



## **PART 6**

# **MONITORING THE CHANGES**

## 20 Monitoring the changes

In *Hear her voice: Report One* (2021), the Women's Safety and Justice Taskforce recognised that its work was the second major review of the domestic and family violence service system in Queensland in less than seven years and that reform had already taken place before the Taskforce commenced its work. The Taskforce recommended a further suite of changes intended, among other things, to improve police responses to domestic and family violence. The Taskforce noted that:

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**There is a tendency for the implementation of recommendations made by taskforces and inquiries to be dominated by a focus on what activities have been undertaken and what recommendations have been completed, rather than on the impact of those activities and whether they are achieving the intended result.**

Tracking reform implementation is important to provide transparency and accountability. However, one-off activities or the development of a strategy or plan is not, in and of itself, an indicator of success. Without a focus on how these activities are ultimately contributing to the safety of victims and perpetrator accountability, it is not possible to know if they are working. The Taskforce appreciates that tracking the progress of implementation efforts is important. It is also important to focus on setting and achieving outcomes.<sup>1</sup>

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In recognition of the need to track reform implementation, the Taskforce outlined a governance framework to support the implementation of its recommendations. One of its recommendations was that the Queensland Government establish an independent implementation supervisor within the Department of Justice and Attorney-General to oversee the implementation of the Taskforce's recommendations and monitor the achievement of system outcomes.<sup>2</sup>

The Taskforce recommended that the independent implementation supervisor should be appointed by early 2022 and report directly to the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence biannually from mid-2022 until the implementation of the Taskforce's four-phase plan is complete. The Taskforce said that the reports should address:

- the progress of the implementation of the recommendations and achievement of system outcomes
- the adequacy of the implementation
- the further measures that may be required to ensure the recommendations accepted by the Queensland Government are implemented fully within the specified timeframes.

The Taskforce also recommended that the Attorney-General report annually to the Queensland Parliament on the progress of the implementation of the recommendations, and table biannual reports prepared by the independent implementation supervisor.<sup>3</sup>

The full terms of those recommendations are as follows:

## RECOMMENDATIONS 88 AND 89 OF THE WOMEN'S SAFETY AND JUSTICE TASKFORCE REPORT 14

### RECOMMENDATION 88

The Queensland Government establish a suitably qualified independent implementation supervisor with an adequately resourced secretariat within the portfolio responsibilities of the Department of Justice and Attorney-General, as the agency responsible for the prevention of domestic and family violence, to oversee both the implementation of the recommendations made by the Taskforce and the achievement of system outcomes identified in the monitoring and engagement evaluation plan. This should be established immediately. The independent implementation supervisor should be appointed by early 2022 and will liaise with and receive assistance, including access to all reasonably requested information and reports, from:

- a ministerial level oversight committee and
- a directors-general implementation group.

The independent implementation supervisor will be responsible for overseeing implementation of the four-phase plan and the achievement of outcomes across the system. The supervisor will have the authority required to direct agencies to take reasonable actions to meet implementation requirements and timeframes approved by the Queensland Government. The supervisor will report directly to the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence biannually, from mid-2022 until implementation is complete, on the progress of the implementation of the Taskforce's recommendations and the achievement of systemic outcomes, the adequacy of implementation and what further measures may be required to ensure the Taskforce's recommendations that are accepted by the Queensland Government are implemented fully within the specified timeframes. The independent supervisor will advise the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence when they are satisfied implementation is complete.

### RECOMMENDATION 89

The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence will report annually to the Queensland Parliament on the progress of the implementation of the Taskforce's recommendations and table the biannual reports of the independent implementation supervisor in the Queensland Parliament within 14 days of receipt, until implementation is complete.

In the Queensland Government response to the report of the Queensland Women's Safety and Justice Taskforce, *Hear her voice: Report One* (2021), the Queensland Government indicated its support in principle for this recommendation and said, "[t]he Queensland Government will appoint an independent implementation supervisor to provide appropriate oversight of the Government's implementation of the Taskforce recommendations".<sup>5</sup>

On 26 October 2022, the Commission was advised by Mr David Mackie, Director-General of the Department of Justice and Attorney-General, that while funding had been committed for an independent implementation supervisor and supporting secretariat, it had not yet been established. The Commission was advised that the Queensland Government "is conscious of the need to establish this position as soon as possible to provide independent oversight of the Government's implementation of the reform

*program and is currently working through the necessary steps to appoint an appropriate person to this role in consultation with the Department of the Premier and Cabinet and Queensland Treasury".<sup>6</sup>*

This Commission has made many recommendations, most of which are directed to the Queensland Police Service (QPS) or the Queensland Government. It is important that these recommendations are implemented in the spirit of creating sustainable improvements to police responses to domestic and family violence and that they not be implemented in name but fail to create the change so obviously needed.

The Commission noted, in the early part of this Report, that many recommendations have previously been made, and accepted, by the QPS with the aim of improving police responses to domestic and family violence. Not all of these have resulted in long-term, meaningful change.



The Commission considers there is a need for independent assessment of the implementation of the recommendations made in this Report to hold the QPS, and the Queensland Government, accountable for the changes that need to happen. This will give the QPS the best chance of implementing the recommendations that lead to long-term improvements.

To that end, the Commission considers that the independent implementation supervisor recommended by the Taskforce ought to oversee the recommendations made in this Report. The Commission also considers the Attorney-General should report annually to the Queensland Parliament about the progress of the implementation of the recommendations, and table the biannual reports produced by the independent implementation supervisor. Recommendations to that effect are made at the end of this chapter.

The Commission notes that:

- the Taskforce recommended that the independent implementation supervisor be established in early 2022
- the Queensland Government supported the recommendation in principle and announced that an independent implementation supervisor would be appointed
- as at 26 October 2022, the independent implementation supervisor had not yet been appointed.

It is not ideal that the independent implementation supervisor was not appointed, as the Taskforce recommended, in early 2022. The recommendations made in this Report are to be implemented in timeframes ranging from three to 24 months. The Commission considers that the independent implementation supervisor should be appointed as soon as possible, and within the next three months, to ensure that the implementation of the recommendations can be monitored and assessed as they occur.

## SUPPORTING VICTIM-SURVIVORS

The Women's Safety and Justice Taskforce heard the voices of many women who felt they had been silenced in the noise of the justice system. They spoke of times they were disbelieved when they should have been believed, dismissed when they should have been listened to and ignored when they should have been seen.

In *Hear her voice: Report Two* (2022), the Women's Safety and Justice Taskforce concluded that the establishment of a victims' commissioner as an independent statutory officer was necessary to fill a significant gap in the protection and promotion of victims' rights in Queensland.<sup>7</sup>

The Taskforce observed the existence of the *Charter of Victims' Rights* (Victims Charter) within the *Victims of Crime Assistance Act 2009* (VOCAA). The Victims Charter provides for the following general rights for victims:<sup>8</sup>

- a victim will be treated with courtesy, compassion, respect and dignity, taking into account the victim's needs
- a victim's personal information, including the victim's address and telephone number, will not be disclosed unless authorised by law
- a victim will be informed at the earliest practicable opportunity about services and remedies available to the victim.

The Victims Charter applies to the dealings of the Queensland Police Service with victims.<sup>9</sup>

The VOCAA provides that, as far as practicable and appropriate, the Victims Charter is to govern the conduct of prescribed persons in their dealings with victims.<sup>10</sup> In addition to the general rights set out above, the VOCAA also provides for further rights relating to the criminal justice system.

However, the Taskforce noted that the Victims Charter lacks "*visibility and consequence*" and that the rights and responsibilities it provides for are not legally enforceable.<sup>11</sup> With respect to the mechanism by which victims can make a complaint if their rights are contravened, and the data in respect of the number of complaints made in previous years, the Taskforce noted:

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**Victims can make a complaint if their rights under the Charter are contravened. Complaints can be made to the responsible person or entity, or to the Victim Services Coordinator (a public service position within Victim Assist Queensland (VAQ), a unit within DJAG) who may refer the complaint or try to facilitate a resolution. The Victim Services Coordinator has no powers to enforce compliance with a resolution process. Agencies are not required to inform VAQ about outcomes of complaints and there is no requirement for agencies to publish information about complaints received directly. This information does not appear to be published in the annual reports of key agencies.**

**VAQ does undertake some analysis of complaints and told the Taskforce that 109 complaints have been received over the past four financial years. Of these, 49% related to the QPS, 18% relate to VAQ and 10% relate to the ODPP. The most common complaint was that the victim was not treated with respect, courtesy and dignity. Of the complaints received, 70% came from people in South East Queensland.**<sup>12</sup>

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The Taskforce also noted that although Queensland has a number of bodies responsible for protecting the rights of individuals or providing systemic oversight (such as the Queensland Human Rights Commission, the Office of the Public Guardian, the Office of the Public Advocate, the Queensland Family and Child Commission, the Queensland Ombudsman and the Crime and Corruption Commission), Queensland is one of the few jurisdictions in Australia that does not have a victims' commissioner.

The Taskforce received and considered submissions about the need, and the most beneficial model, for a victims' commissioner in Queensland. The Taskforce concluded that a victims' commissioner was necessary to fill a gap in the protection of victims' rights. The Taskforce recommended the establishment of a victims' commissioner to monitor compliance with victims' rights across the service and criminal justice systems and, in some cases, be able to assist individual victims as needed. It would also identify systemic issues and be able to influence policy, practice and strategic reform.

## RECOMMENDATION 18 OF THE WOMEN'S SAFETY AND JUSTICE TASKFORCE REPORT 2<sup>14</sup>

### RECOMMENDATION 18

The Queensland Government establish a victims' commissioner as an independent statutory officer to promote and protect the needs of victims of all violent offences. The commissioner's functions will include:

- identifying systemic trends and issues including in relation to policy, legislation, practice or procedure and potential responses to address these issues
- assisting victims in their dealings with government agencies across the criminal justice system, including through oversight of how agencies respond to complaints
- monitoring and reviewing the effect of the law, policy and practice that impact victims of crime
- other functions recommended throughout this report.

The commissioner will be authorised to exercise the rights of victims, upon their request and with consent, including in relation to their interactions with police, other government agencies and the courts (similar to the South Australian model). The commissioner should have a specific and dedicated focus on victims of domestic, family and sexual violence and First Nations victim-survivors given the particular vulnerability. This focus may be through the establishment of a deputy commissioner role, or similar.

The Taskforce considered the South Australian model to be best practice and noted that it has been in place since 2006. The role is likened to that of a crime victim ombudsman in that it can receive a grievance and consult any public official to resolve the dispute and, where appropriate, recommend an official or agency make a written apology. The powers of the role also go beyond that of a conventional ombudsman. The South Australian Commissioner also has the ability to represent victims and intervene in proceedings with the approval of the victim.

In New South Wales, the Commissioner of Victims' Rights has the power to make enquiries, conduct investigations and compel evidence. Broadly, the powers allow for the Commissioner to investigate complaints made where the NSW Victims Charter rights have been denied and thus arguably, have some rights of representation of victims.

In the Australian Capital Territory (ACT), the focus of the Commissioner is more on advocacy, education and collaboration, rather than investigation, as compared to other jurisdictions. The critical functions include:

- managing victims' services and financial assistance schemes
- advocating for the interests of victims
- monitoring compliance with, and promotion of, victims' rights
- advising the ACT Attorney-General on matters relating to victims of crime.

In Victoria, the functions of the Victorian Victims of Crime Commissioner include advocacy, and the power to inquire into systemic issues impacting large number of victims and particular groups. The Victorian Commissioner reports to the Attorney-General on these issues and gives advice to government regarding improvements to the justice system to meet the needs of victims of crime. The Commissioner is also empowered to consider complaints from victims about investigatory, prosecuting and victims' service organisations regarding their compliance with the Victorian Victims Charter.

Unlike other jurisdictions, the Office of the Commissioner for Victims of Crime in Western Australia is not statutorily

appointed. While the Commissioner can advocate for victims, it does not have the same powers as its counterparts.

Having regard to all the evidence available, including the long-standing shortcomings in police responses to domestic and family violence and the cultural issues explored in this Report, the Commission considers that there is a need for an independent victims' commissioner in Queensland.

The Taskforce's recommendation for the establishment of a victims' commissioner is intended to include all victims of crime.<sup>13</sup> The Taskforce recommended that the victims' commissioner have a specific and dedicated focus on victims of domestic, family and sexual violence and First Nations victim-survivors, given their particular vulnerability. The Taskforce recommended that this focus may be through the establishment of a deputy commissioner role, or similar.

This Commission heard from many victim-survivors not only about their experiences of poor police responses to domestic and family violence, but also about their negative experiences of making a complaint to the QPS or other agencies about these poor police responses. In some cases, victim-survivors did not know where or how to make a complaint. In other cases, they did make a complaint but were unsatisfied with the process and outcome.

The Commission heard from multiple domestic and family violence specialist organisations who support the establishment of the victims' commissioner model, including:

- Ending Violence Against Women Queensland
- Gold Coast Centre Against Sexual Violence Inc
- Women's Health and Equality Queensland
- Red Rose Foundation
- Combined Women's Refuge
- Micah Projects.

The submissions from three of the organisations, Ending Violence Against Women Queensland, Women's Health and Equality Queensland and Combined Women's Refuge were similar. They highlighted that the victims' commissioner should have several functions, including powers to

advocate for victims as well as both a prosecuting and investigatory function. Specific to police accountability, they submitted that the victims' commissioner should:

- provide oversight of the QPS and its compliance with the Victims Charter
- provide leadership and give expert advice to the QPS about laws, policies, practices and services for victims of domestic and family violence
- analyse and evaluate, at a systemic level, policies and practices relevant to victims of domestic and family violence, and police responses to domestic and family violence
- oversee complaints about the QPS from victims of crime in the context of the Victims Charter.

The Gold Coast Centre Against Sexual Violence Inc and the Red Rose Foundation submitted that a commissioner who would advocate for victim-survivors of both sexual violence and domestic and family violence was required. While the Red Rose Foundation recommended a model similar to that of the Children's Commissioner, Micah Projects recommended a model similar to the United Kingdom. Like the Taskforce, Micah Projects advocated for a commissioner who would ensure victims of all crime, not just domestic and family violence, are supported and their rights championed.

Whilst each organisation's submission differed slightly, the common theme was that victim-survivors need an independent advocate. The overwhelming support that this model has received demonstrates its importance.

In light of the extent of the evidence heard by the Commission about victim-survivors who have had negative experiences of police responses to domestic and family violence, and, in many cases, negative experiences of making complaints about those poor responses, the Commission endorses the Taskforce's recommendation that a victims' commissioner be established. In particular, the Commission considers that a deputy commissioner role should be dedicated to victims of domestic and family violence. The Commission makes a recommendation to this effect at the end of this chapter.

## THE TASKFORCE'S RECOMMENDATION FOR A TRANSFORMATIONAL PLAN

In *Hear her voice: Report One* (2021), the Women's Safety and Justice Taskforce recommended that the "Queensland Government develop and implement a transformational plan to address widespread culture, values, and beliefs within the Queensland Police Service to enable the QPS to achieve better outcomes for victims of domestic and family violence (including coercive control) and better hold perpetrators to account".

The Commission commends the notion of a Queensland Government-developed plan to transform QPS culture, values and beliefs and police responses to domestic and family violence.

It is anticipated that the findings and recommendations of this Report, and the additional information outlined within the Companion Report, *Behind the call for change* (2022) will help shape the focus of this transformational plan.

However, the Commission recognises that the transformational plan will go beyond the recommendations made by the Commission. The Commission does not intend, by this Report, to suggest in any way that a broader approach to transforming QPS responses to domestic and family violence will not be beneficial for the QPS or for the community.

## CONCLUSION

The cultural and structural change required to improve the QPS response to domestic and family violence will not be easy. It will require a willingness of senior leaders in the QPS to listen to their members, reflect on the past, learn for the future and commit to delivering sustainable improvements. To do this effectively, change needs to be open and transparent, and strong accountability mechanisms will need to be established. The expansion of the independent implementation supervisor's mandate to include supervision of the implementation of the recommendations from this Report will assist with ensuring appropriate external oversight of the changes over the short term. Further, the victims' commissioner and the new Police Integrity Unit (recommended in Part 5) will be critical in shaping the approach moving forward and achieving greater consistency in the QPS response to domestic and family violence, now and into the future.

Recommendation 31 provided:

### RECOMMENDATIONS 31 OF THE WOMEN'S SAFETY AND JUSTICE TASKFORCE REPORT <sup>115</sup>

#### RECOMMENDATION 31

The Queensland Government develop and implement a transformational plan to address widespread culture, values, and beliefs within the Queensland Police Service to enable the QPS to achieve better outcomes for victims of domestic and family violence (including coercive control) and better hold perpetrators to account.

The plan should be developed and implemented with the assistance of the Queensland Public Service Commission.

The transformational plan would be informed by the lived experiences of victims of domestic and family violence, including Aboriginal and Torres Strait Islander peoples, people from culturally and linguistically diverse backgrounds, LGBTIQ+ people, and people with disability. The plan will help the QPS achieve better outcomes through operational reforms and initiatives recommended by the Taskforce, as well as through reforms and initiatives already underway. This will enable the QPS to provide more effective policing responses to domestic and family violence and coercive control and better meet community expectations.

## FINDINGS

- If there is to be meaningful, long-term improvement in police responses to domestic and family violence, it is important that an independent implementation supervisor be appointed to oversee, and report to the Queensland Government about, the implementation of the recommendations.
- There is a need for an independent victims' commissioner in Queensland. The model considered and proposed by the Women's Safety and Justice Taskforce appears apt to fulfill that need. That model should have a dedicated capability to assist individual domestic and family violence victim-survivors, including with respect to their complaints about poor responses to domestic and family violence, and should have the capacity to monitor and review systemic issues in relation to police responses to domestic and family violence.

## RECOMMENDATIONS

### Recommendation 76

Within three months, the Queensland Government establish and appoint an independent implementation supervisor to oversee the implementation of the recommendations made in this Report.

The independent implementation supervisor appointed to oversee the recommendations made in this Report be the same entity as the implementation supervisor recommended in Recommendation 88 of the Women's Safety and Justice Taskforce *Hear her voice: Report One* (2021). The implementation supervisor report directly to the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence biannually, from mid-2023 until implementation is complete.

### Recommendation 77

The Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence report annually to the Queensland Parliament on the progress of the implementation of the Commission's recommendations and table the biannual reports of the independent implementation supervisor in the Queensland Parliament within 14 days of receipt, until implementation is complete.

### Recommendation 78

The Queensland Government establish a victims' commissioner as an independent statutory officer in the terms of Recommendation 18 of the Women's Safety and Justice Taskforce *Hear her voice: Report Two* (2022). The victims' commissioner have, at a minimum, a function of:

- assisting individual victim-survivors of domestic and family violence, including in relation to complaints about poor police responses to domestic and family violence and
- identifying systemic trends and issues relating to police responses to domestic and family violence.

The victims' commissioner have a deputy commissioner to lead this capability.

## HUMAN RIGHTS CONSIDERATIONS

The Commission adopts the human rights considerations identified by the Taskforce.<sup>16</sup>

The Taskforce considered that the recommendations are likely to lead to the promotion of victims' right to protection from torture and cruel, inhuman or degrading treatment (*Human Rights Act 2019* (Qld) (HRA) s 17), the protection of families and children (s 26 HRA) and would be compatible with protecting the rights of victims of crime.<sup>17</sup>

The recommendations do not limit any rights however their implementation will need to carefully protect and balance the rights of victims and accused persons to ensure that any rights limited can be justified in a free and democratic society based on human dignity, equality and freedom.<sup>18</sup>

## ENDNOTES – PART 6

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- 1 Women's Safety and Justice Taskforce, *Hear her voice: Report 1 – Addressing coercive control and domestic and family violence in Queensland* (Report One, December 2021) [pp 794–795].
- 2 Women's Safety and Justice Taskforce, *Hear her voice: Report 1 – Addressing coercive control and domestic and family violence in Queensland* (Report One, December 2021) [p 808].
- 3 Women's Safety and Justice Taskforce, *Hear her voice: Report 1 – Addressing coercive control and domestic and family violence in Queensland* (Report One, December 2021) [p 808].
- 4 Women's Safety and Justice Taskforce, *Hear her voice: Report 1 – Addressing coercive control and domestic and family violence in Queensland* (Report One, December 2021) [p 808].
- 5 Women's Safety and Justice Taskforce, *Hear her voice: Report 1 – Addressing coercive control and domestic and family violence in Queensland* (Report One, December 2021) [p 28].
- 6 Correspondence from Mr David Mackie, 26 October 2022, provided by Department of Justice and Attorney-General (Qld) in response to the Commission Requirement, NTP 1.006, Item 1, requested 24 October 2022.
- 7 Women's Safety and Justice Taskforce, *Hear her voice: Report 2 – Women and girls' experiences across the criminal justice system* (Report Two, July 2022) [p 138].
- 8 *Victims of Crime Assistance Act 2009* (Qld) sch 1AA.
- 9 *Victims of Crime Assistance Act 2009* (Qld) s 6A.
- 10 *Victims of Crime Assistance Act 2009* (Qld) s 6B.
- 11 Women's Safety and Justice Taskforce, *Hear her voice: Report 2 – Women and girls' experiences across the criminal justice system* (Report Two, July 2022) [p 133].
- 12 Women's Safety and Justice Taskforce, *Hear her voice: Report 2 – Women and girls' experiences across the criminal justice system* (Report Two, July 2022) [p 134].
- 13 However, the Taskforce noted that there were particular needs and vulnerabilities of victims of domestic, family and sexual violence and thus supported resources being dedicated specifically to these victims.
- 14 Women's Safety and Justice Taskforce, *Hear her voice: Report 2 – Women and girls' experiences across the criminal justice system* (Report Two, July 2022) [p 149].
- 15 Women's Safety and Justice Taskforce, *Hear her voice: Report 1 – Addressing coercive control and domestic and family violence in Queensland* (Report One, December 2021) [p 554].
- 16 Women's Safety and Justice Taskforce, *Hear her voice: Report 2 – Women and girls' experiences across the criminal justice system* (Report Two, July 2022) [p 140].
- 17 Women's Safety and Justice Taskforce, *Hear her voice: Report 2 – Women and girls' experiences across the criminal justice system* (Report Two, July 2022) [p 140].
- 18 Women's Safety and Justice Taskforce, *Hear her voice: Report 2 – Women and girls' experiences across the criminal justice system* (Report Two, July 2022) [p 140].



**PART 7**

**APPENDICES**

# GLOSSARY

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**Aggrieved:** the person who is to be protected by the terms of a Domestic Violence Order, or Police Protection Notice.

**Allegation:** refers to an unlawful act that a person is said to have done, but has not yet been proven to the requisite standard.

**Assessment Inquiries:** refers to the initial checks that are done when a complaint is first received by the Queensland Police Service or the Crime and Corruption Commission to determine what evidence might be available to warrant a full investigation.

**Apprehended Violence Order (AVO):** the name given to court orders made in New South Wales under the *Crimes (Domestic and Personal Violence) Act 2007* (NSW). It is comparable with Domestic Violence Orders (DVOs) made in Queensland.

**Breach:** a legal term that means a person did something that disobeyed the terms of a court order or conditions imposed by police. A breach may refer to a breach of the terms of a Domestic Violence Order, release conditions or a Police Protection Notice, a breach of bail conditions, or a breach of the conditions of a community-based order such as probation or parole.

**Call for service:** means any contact with police that results in officers being dispatched to attend a location, or in police taking action. A call for service may refer to calls received through Triple Zero (000), Police Link or at police station.

**Civil standard of proof:** a legal term that refers to the level of certainty required to prove a fact or assertion in a legal matter. The civil standard of proof is proof 'on the balance of probabilities'.

**Coercive control:** a pattern of behaviour or 'course of conduct' perpetrated against a person to create a climate of fear, isolation, intimidation and humiliation. It may incorporate physical and non-physical forms of violence and abuse that vary in frequency and severity.

**Compassion fatigue:** a term that describes the physical, emotional, and psychological impact of helping others through traumatic or stressful situations. It is also sometimes referred to as 'burnout' or 'vicarious trauma'.

**Complaint:** refers to an unlawful act, or multiple unlawful acts, that a person is said to have done, but have not yet been proven to the requisite standard.

**Complainant:** refers to the person who makes a complaint to or about police.

**Criminal standard of proof:** a legal term that refers to the level of certainty required to prove a criminal offence. The criminal standard of proof is beyond reasonable doubt.

**Cross-application/order:** refers to a situation where a person is named as a respondent in a Protection Order, and named as an aggrieved in a second Protection Order, in circumstances where both orders involve the same two people.

**Cultural aversion:** a term describing police officers' reluctance to respond to domestic and family violence matters as a consequence of structural, cultural or organisational issues within the Queensland Police Service.

**Cultural capability:** refers to the skills, knowledge, behaviours and systems that are required to plan, support, improve and deliver services in a culturally respectful and appropriate manner.

**Cultural intelligence:** refers to the skills, capacity and knowledge required to work effectively in, and adapt sensitively to, culturally diverse situations.

**Culturally safe:** describes a way of working which aims to create an environment and relationship which acknowledges and incorporates cultural practices important to the client/service user.

**Defendant:** a person who is charged with a criminal offence.

**Disciplinary sanction:** a formal punishment that can be imposed on a police officer by the Queensland Police Service in response to a substantiated complaint.

**Domestic and family violence:** also referred to as domestic abuse. Domestic and Family violence refers to behaviours defined in section 8 of the *Domestic and Family Violence Protection Act 2012* (Qld). These can include both physical and non-physical forms of abuse.

**Domestic Violence Order:** refers to both Temporary Protection Orders, and final Protection Orders made by the court. It does not include Police Protection Notices (PPN).

**DV – Application Police:** refers to an occurrence where police have made an application for a Protection Order, including by issuing a Police Protection Notice (PPN).

**DV – Contravention:** refers to an occurrence where police record the complaint of a breach of a condition of a Protection Order, release conditions or PPN by the respondent.

**DV – Other Action:** refers to an occurrence where police are satisfied that domestic violence has occurred, however officers determine that it is not appropriate to progress an application for a Protection Order.

**DV – No DV:** refers to an occurrence where police have attended and an investigation shows that while a relevant relationship exists, no domestic violence has occurred.

**Ethical health:** refers to the overall levels of integrity within an organisation.

**First Nations peoples:** the Aboriginal and Torres Strait Islander peoples of Australia. First Nations peoples are from a wide range of nations across Australia, each with their own cultural practices, beliefs, kinship systems, histories, and language.

**Intersectionality:** is a term used to describe multiple and intersecting layers of structural inequality such as sexism, racism, ageism and ableism, discriminatory and oppressive attitudes, substance use, mental health issues, homelessness and poverty.

**Intersectional diversity:** for example, Aboriginal and Torres Strait Islander women with disability, culturally and linguistically diverse person who identifies as LGBTIQ+, older woman with disability.

**Local Management Resolution (LMR):** one of the possible outcomes of a complaint that is handled by the Queensland Police Service. It refers to a complaint resolution process where professional development strategies are formulated and implemented to address inappropriate conduct. It can include providing appropriate training and guidance by a superior officer to a lower-ranked officer about relevant policies, procedures, and expectations about appropriate behaviour.

**LGBTIQ+:** Lesbian, Gay, Bisexual, Transgender, Intersex, Queer or Questioning. The plus acknowledges that the acronym does not fully capture the full spectrum of diversity.

**Misidentification:** the name given to situations in which victim-survivors are incorrectly identified as the perpetrators of domestic and family violence.

**Misogyny:** refers to beliefs and attitudes that result in the hatred of, aversion to, or prejudice against women, and includes speech or behaviour that is likely to foster those beliefs or attitudes.

**Member involved domestic and family violence:** refers to acts or allegations of domestic and family violence carried out by a person who is either a civilian staff member or sworn police officer employed by the Queensland Police Service.

**Merit and Compliance Review (MCR):** describes one of two processes used by the Crime and Corruption Commission to oversee the handling of complaints that are sent back to the organisation complained about to be dealt with internally.

**No further action:** a term used by both the Crime and Corruption Commission and the Queensland Police Service that refers to one of the possible outcomes of an allegation. A complaint may be finalised by way of ‘no further action’ for a variety of reasons, including a lack of evidence, a lack of jurisdiction or because a complaint has been withdrawn. A complaint could be finalised as ‘no further action’ at any stage of the complaints process.

**Occurrence:** a type of record within the QPRIME system. These records contain information about the incidents that police respond to, or actions they take.

**Operational Procedures Manual:** a document created by the Queensland Police Service which sets out the policies, procedures and expectations for police when performing their duties.

**Perpetrator:** the person who commits domestic and family violence within a relevant relationship.

**Person most in need of protection:** a legal term that requires that consideration be given to the identification of the person most in need of protection within that relationship.

**Police misconduct:** refers to any conduct that does not meet the threshold of corrupt conduct, but is disgraceful, improper or unbecoming a police officer, shows unfitness to be or continue as a police officer or otherwise does not meet the standard of conduct the community reasonably expects of a police officer.

**Public Interest Review:** describes one of two processes used by the Crime and Corruption Commission to oversee the handling of complaints that are sent back to the organisation complained about to be dealt with internally. A complaint subject to Public Interest Review cannot be finalised without the agreement of the Crime and Corruption Commission.

**QPRIME:** an acronym that stands for Queensland Police Records Information Management Exchange, the information database system used by police in the day-to-day course of their duties.

**QPS personnel/member/membership:** a term used to describe recruits, sworn police officers, police liaison officers and civilian staff members of the Queensland Police Service.

**Racism:** systems and policies, actions and attitudes which create inequitable opportunities and outcomes for people based on race. It also refers to the expression of prejudicial attitudes, beliefs, behaviours and micro-aggressions directed towards people based on their racial identity.

**Recruits:** people training to become police officers.

**Refer No Further Advice:** a category of complaints used by the Crime and Corruption Commission. Complaints in this category are sent back to the organisation where the person complained about works to be handled internally.

**Relevant relationship:** a legal term used in the *Domestic and Family Violence Protection Act 2012*. A relevant relationship includes an intimate personal relationship (including a spousal, engagement or couple relationship), a family relationship, or an informal care relationship. A family relationship exists between two persons if one of them is or was the relative of the other.

**Resistive violence:** a term that recognises that while all victim-survivors resist the violence they are experiencing, some may use violence to resist the abuse being perpetrated against themselves, or others.

**Respondent:** a person who must comply with the conditions of a Protection Order, or a Police Protection Notice.

**Sexism:** prejudice or discrimination based on a person's sex or perceived gender. It includes behaviours, attitudes and structures that foster stereotypes of social roles based on a sex or perceived gender that create inequitable opportunities and outcomes for people based on sex or perceived gender.

**Special Taskforce on Domestic and Family Violence:** chaired by the Honorable Quentin Bryce AD CVO, the Special Taskforce on Domestic and Family Violence was established in late 2014 to examine Queensland's domestic and family violence support systems and make recommendations to the Premier on how the system could be improved and future episodes of domestic and family violence could be prevented.

**Staff members:** refers to employees of the Queensland Police Service who are not sworn police officers.

**Stood down:** the Queensland Police Service may stand an officer down in response to a complaint. An officer who is 'stood down' will lose access to their firearm and be stripped of their police powers, although they will still be expected to attend the workplace to perform alternate duties set out by a superior officer.

**Suspended:** the Queensland Police Service may suspend an officer in response to a complaint. An officer who is 'suspended' is not permitted to attend the workplace. The officer may be suspended with or without pay.

**Systems abuse:** the deliberate, ongoing use of legal, health or child protection systems by a perpetrator of violence to maintain or regain control within a relationship characterised by domestic and family violence.

**Terms of reference:** established under relevant provisions of the *Commissions of Inquiry Act 1950* (Qld), the terms of reference for this Commission are set out in full in Appendix A.

**Trauma-informed:** an approach that acknowledges the impact of trauma on a person's thoughts, beliefs and behaviour. It is a term adopted by the Queensland Police Service to describe a strengths-based framework grounded in an understanding of, and responsiveness to, the impact of trauma. It emphasises physical, psychological, and emotional safety for everyone, and creates opportunities for victim-survivors to rebuild a sense of control and empowerment.

**Victim-blaming:** refers to circumstances in which a victim-survivor of domestic and family violence is considered to be partially or entirely at fault for their experiences of violence.

**Victim-centred/Victim-centric:** a way of engaging with victim-survivors that prioritises listening, avoids re-traumatisation, and systematically focuses on their safety, rights, well-being, expressed needs and choices.

**Victim-survivor:** the person most likely to experience violence within a relevant relationship which is characterised by domestic and family violence.

**Women's Safety and Justice Taskforce:** established in early 2021 and chaired by the Honourable Margaret McMurdo AC, the Women's Safety and Justice Taskforce was established as an independent consultative taskforce by the Queensland Government to examine coercive control and review the need for a specific offence of "commit domestic violence" and the experiences of women across the criminal justice system.

**Women's Safety and Justice Taskforce, *Hear her voice: Report One (2021)*<sup>1</sup>:** the first report of the Women's Safety and Justice Taskforce was delivered in December 2021 as part of its work to examine and review coercive control and the need for a specific offence of domestic and family violence. This report made 89 recommendations to the Queensland Government.

**Women's Safety and Justice Taskforce, *Hear her voice: Report Two (2022)*<sup>2</sup>:** the second report of the Women's Safety and Justice Taskforce was delivered in June 2022 as part of its work to examine the experiences of women and girls across Queensland's criminal justice system with a focus on victim-survivors of sexual violence, and women and girls who are accused persons or offenders. This report made 188 recommendations to improve Queensland's criminal justice system.

<sup>1</sup> Women's Safety and Justice Taskforce, *Hear her voice: Report 1 – Addressing coercive control and domestic and family violence in Queensland* (Report One, December 2021).

<sup>2</sup> Women's Safety and Justice Taskforce, *Hear her voice: Report 2 – Women and girls' experiences across the criminal justice system* (Report Two, July 2022).



## ACRONYMS AND ABBREVIATIONS

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<b>Academy</b>	Queensland Police Service Academy
<b>ADP</b>	Abbreviated Disciplinary Process and/or Abbreviated Discipline Proceeding
<b>ANROWS</b>	Australian National Research Organisation on Women's Safety
<b>APM</b>	Australian Police Medal
<b>ATSILS</b>	Aboriginal and Torres Strait Islander Legal Service
<b>BDVS</b>	Brisbane Domestic Violence Service
<b>CALD</b>	Culturally and Linguistically Diverse
<b>CCC</b>	Crime and Corruption Commission
<b>CEO</b>	Chief Executive Officer
<b>CIB</b>	Criminal Investigation Branch
<b>CIC</b>	Crime and Intelligence Command
<b>CJC</b>	Criminal Justice Commission
<b>CMC</b>	Crime and Misconduct Commission
<b>CoP</b>	Commissioner of Police
<b>CPIU</b>	Child Protection Investigation Unit
<b>DDO</b>	District Duty Officer
<b>DFV</b>	Domestic and Family Violence
<b>DFVC</b>	Domestic and Family Violence Coordinators
<b>DFVO</b>	Domestic and Family Violence Officer
<b>DFVP Command</b>	Queensland Police Service's Domestic, Family Violence and Vulnerable Persons Command
<b>DFVPA</b>	<i>Domestic and Family Violence Protection Act 2012</i> (Qld)
<b>DFVVPU</b>	Domestic and Family Violence and Vulnerable Persons Unit, also referred to as VPU.
<b>DV</b>	Domestic Violence
<b>DVLO</b>	Domestic Violence Liaison Officer
<b>DVO</b>	Domestic Violence Order
<b>DV-PAF</b>	Domestic Violence Protective Assessment Framework
<b>ELT</b>	Executive Leadership Team
<b>ESC</b>	Ethical Standards Command
<b>FNMAU</b>	First Nations and Multicultural Affairs Unit
<b>FTO</b>	Field Training Officer
<b>FYC</b>	First Year Constable
<b>HRA</b>	<i>Human Rights Act 2019</i> (Qld)
<b>HRT</b>	High Risk Team
<b>LGBTIQ+</b>	Lesbian, Gay, Bisexual, Transgender, Intersex, Queer & Questioning, and other sexual and gender identities and expressions including but not limited to Asexual and Non-Binary
<b>LMR</b>	Local Management Resolution
<b>MATCLA</b>	Multi-Agency Triage and Case Lead Allocation
<b>MIDV</b>	Member Involved Domestic Violence
<b>NAIDOC</b>	National Aborigines and Islanders Day Observance Committee

<b>OIC</b>	Officer in Charge
<b>OLP</b>	Online Learning Product
<b>OPM</b>	Operational Procedures Manual
<b>OSD</b>	Office of State Discipline
<b>PCC</b>	Police Communications Centre
<b>PCYC</b>	Police Citizens and Youth Club
<b>PIPS</b>	Police Integrity and Professional Standards database
<b>PIU</b>	Police Integrity Unit
<b>PLO</b>	Police Liaison Officer
<b>POC</b>	People (or Person) of Colour
<b>PONI</b>	Police Ombudsman of Northern Ireland
<b>PPN</b>	Police Protection Notice
<b>PRADO</b>	Partnership Response at Domestic Occurrences
<b>PTSD</b>	Post-Traumatic Stress Disorder
<b>QATSIP</b>	Queensland Aboriginal and Torres Strait Islander Police
<b>QCS</b>	Queensland Corrective Services
<b>QHRC</b>	Queensland Human Rights Commission
<b>QPRIME</b>	Queensland Police Records Information Management Exchange
<b>QPS</b>	Queensland Police Service
<b>QPS DFV-Q</b>	Survey conducted by Nous Group
<b>QPUE</b>	Queensland Police Union of Employees
<b>SDRP</b>	Service Delivery Redesign Project
<b>SDS</b>	Service Delivery Statement
<b>Sgt</b>	Sergeant
<b>Snr Sgt, SSgt or S/Sgt</b>	Senior Sergeant
<b>The Board</b>	Domestic and Family Violence Death Review and Advisory Board
<b>TPO</b>	Temporary Protection Order
<b>TSIPLO</b>	Torres Strait Islander Police Liaison Officer
<b>VEOHRC</b>	Victorian Equal Opportunity and Human Rights Commission
<b>VPU</b>	Vulnerable Persons Unit, also referred to as DFVPU

# APPENDIX A

## Order in Council and terms of reference

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### COMMISSIONS OF INQUIRY ORDER (NO.2) 2022

#### SHORT TITLE

1. This Order in Council may be cited as the *Commissions of Inquiry Order (No.2) 2022*.

#### COMMENCEMENT

2. This Order in Council commences on 30 May 2022.

#### APPOINTMENT OF COMMISSION

3. UNDER the provisions of the *Commissions of Inquiry Act 1950*, the Governor in Council hereby appoints Her Honour Judge Deborah Jane Richards, as Commissioner, from 30 May 2022, to make full and careful inquiry in an open and independent manner with respect to the following matters identified in the *Women's Safety and Justice Taskforce: Hear her voice Report One – Addressing coercive control and domestic and family violence in Queensland* (the Report):
  - a. whether there is, and if so, the extent and nature of, any cultural issues within the Queensland Police Service (QPS) relating to the investigation of domestic and family violence identified in the Report;
  - b. how any cultural issues identified within the QPS relating to the investigation of domestic and family violence have contributed to the overrepresentation of First Nations people in the criminal justice system;
  - c. the capability, capacity and structure of the QPS to respond to domestic and family violence, having regard to initiatives undertaken by the QPS in responses to previous reports and events;
  - d. the adequacy of the current conduct and complaints handling processes against officers to ensure community confidence in the QPS;
  - e. AND any other matter the Commission considers relevant for consideration to deliver its Report.
4. AND in carrying out the inquiry the Commission will take into account:
  - a. the findings and recommendations of the Women's Safety and Justice Taskforce Reports, the *Not Now, Not Ever: Putting an End to Domestic Violence in Queensland Report*; and
  - b. any other relevant findings, reports, research and expert advice.

#### COMMISSION TO REPORT AND MAKE RECOMMENDATIONS

5. AND directs that the Commission make full and faithful report and recommendations on the aforesaid subject matter of the inquiry, including an executive summary.
6. WITHOUT limiting the ability of the Commission to make findings in respect to the conduct of individual persons as may arise during the course of its inquiries, the Commission should ensure that the primary focus of its inquiries are the systemic matters outlined in clause 3.
7. WITHOUT limiting the recommendations arising out of the inquiry, the recommendations should identify how to most effectively address the issues identified by the inquiry according to the extent of the cultural issues identified, including which strategies should receive the highest priority.
8. AND directs that the Report be transmitted to the Honourable the Premier and Minister for the Olympics, the Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence, and the Minister for Police and Corrective Services and Minister for Fire and Emergency Services by 4 October 2022.

#### APPLICATION OF ACT

9. Pursuant to section 4(2) of the *Commissions of Inquiry Act 1950*, it is declared that all of the provisions of the *Commissions of Inquiry Act 1950* shall be applicable for the purposes of this inquiry, except for section 19C (Authority to use listening devices).

#### CONDUCT OF INQUIRY

10. The Commission may receive submissions from relevant individuals and entities and hold public and private hearings in such a manner and in such locations as determined by the Commission, as appropriate and convenient and in a way that protects and promotes the rights protected under the *Human Rights Act 2019*.
11. In regard to clause 9, the Commission should take into account the extensive public consultation already conducted by the Women's Safety and Justice Taskforce Reports and the *Not Now, Not Ever: Putting an End to Domestic Violence in Queensland Report*.

#### ENDNOTES

- 1 Made by the Governor in Council on 9 May 2022.
- 2 Notified in the Gazette on 11 May 2022.
- 3 Not required to be laid before the Legislative Assembly.
- 4 The administering agency is the Department of the Premier and Cabinet.

#### COMMISSIONS OF INQUIRY AMENDMENT ORDER (NO.1) 2022

##### SHORT TITLE

1. This Order in Council may be cited as the *Commissions of Inquiry Amendment Order (No.1) 2022*.

##### AMENDED ORDER

2. The *Commissions of Inquiry Order (No.2) 2022* is amended as set out in this Order.

##### AMENDMENT OF ORDER

3. At paragraph 8, '4 October 2022' –  
*omit, insert –*  
'14 November 2022'.

#### ENDNOTES

- 1 Made by the Governor in Council on 1 September 2022.
- 2 Notified in the Gazette on 1 September 2022.
- 3 Not required to be laid before the Legislative Assembly.
- 4 The administering agency is the Department of the Premier and Cabinet

# APPENDIX B

## Commission staff

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Her Honour Judge Deborah Richards was appointed as Commissioner for the Inquiry. Barristers Ruth O’Gorman KC and Anna Cappellano were appointed as Counsel Assisting.

The Commission of Inquiry was supported by a secretariat comprising 18 staff, including an Executive Director and legal, policy, research and administrative staff.

### EXECUTIVE DIRECTOR

Jane Moynihan

### DIRECTOR

Marni Manning

Susan Beattie

April Chrzanowski

### PRINCIPAL LEGAL OFFICER

Julie Aylward

Stephanie Gallagher

Lara Soldi

### SENIOR LEGAL OFFICER

James Coghlan

Nicola Murray

Luke Smoothy

### PARALEGAL

Lucy Macdonald

### COMMUNICATION AND MEDIA MANAGER

Adrienne Lohe

### POLICE LIAISON OFFICER

Inspector Leonie Fordyce

### SENIOR RESEARCH OFFICER

Kath Kerr

### RESEARCH OFFICER

Samantha Giunta

### BUSINESS MANAGER

Lauren Cawood

### ASSISTANT BUSINESS MANAGER

Laura Cooling

### ADMINISTRATION OFFICER

Shannon Harty



# APPENDIX C

## List of submissions

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The following organisations and individuals made submissions to the Commission (excluding confidential submissions).

### GOVERNMENT ORGANISATIONS

Aurukun Shire Council  
Parole Board Queensland  
Queensland Family and Child Commission  
Queensland Human Rights Commissioner

### COMMUNITY AGENCIES

Aboriginal and Torres Strait Islander Women's Legal Services North Queensland  
Act for Kids  
Aged and Disability Advocacy Australia  
Australian Association of Social Workers  
Australian Brotherhood of Fathers  
Australian Institute of Police Management  
Beyond DV  
Brisbane Rape and Incest Survivors Support Centre  
Brisbane Youth Service  
Caxton Legal Centre  
Combined Women's Refuge Group South East Queensland  
Domestic Violence Action Centre  
Domestic Violence Prevention Centre Gold Coast Inc.  
DV Connect  
Ending Violence Against Women Queensland  
Flat Out Inc.  
Gold Coast Centre Against Sexual Violence Inc.  
Integrated Family and Youth Service (IFYS)  
Immigrant Women's Support Service  
Institute for Collaborative Race Research  
LGBTI Legal Service Inc.  
LGBTQ Domestic Violence Awareness Foundation  
Men's Rights Agency  
Micah Projects  
Monash Gender and Family Violence Prevention Centre  
No to Violence  
North Queensland Women's Legal Service  
One in Three Campaign  
Palm Island Community Company  
Prisoners' Legal Service  
Queensland Council of Social Service  
Queensland Indigenous Family Violence Legal Service  
Queensland Network of Alcohol and other Drug Agencies  
Queensland Sexual Assault Network  
Red Rose Foundation  
Relationships Australia Queensland  
Respect Inc.  
Ruth's Women's Shelter Cairns  
Sisters Inside Inc.

Soroptimist International Brisbane  
Tablelands Community Justice Group  
Townsville Aboriginal and Islander Health Service  
Townsville Community Law  
The Centre for Women & Co.  
Women's Health and Equality Queensland  
Women's House Shelta  
Women's Legal Service Queensland  
WWILD Sexual Violence Prevention Association

### ACADEMICS

Professor Daniel Angus, Queensland University of Technology  
Dr Susan Armstrong  
Australian National Research Organisation on Women's Safety  
Emma Buxton-Namisnyk, Lecturer, University of NSW  
Adjunct Professor Kerry Carrington, University of the Sunshine Coast  
Dr Joseph Crowley, Senior Teaching Fellow, Bond University  
Associate Professor Molly Dragiewicz, Griffith University  
Monash Gender and Family Violence Prevention Centre  
Dr Amanda Gearing  
Dr Terry Goldsworthy, Associate Professor, Bond University  
Associate Professor Bridget Harris, Monash University  
Professor Mark Kebbell, School of Applied Psychology, Griffith University  
Associate Professor Marlene Longbottom, Ngarruwan Ngadju First Peoples Health and Wellbeing Research Centre, School of Medicine, Indigenous Allied Health, University of Wollongong  
Adjunct Associate Professor Peter Malouf, James Cook University and University of Sydney  
Dr Silke Meyer, Griffith University  
Dr Amanda Porter, Senior Fellow (Indigenous Programs), Melbourne Law School  
Dr Wendell Rosevear OAM  
Dr Brian Sullivan, SICURA  
Dr Shane Warren, Lecturer, Queensland University of Technology

### LEGAL PRACTITIONERS

Aboriginal and Torres Strait Islander Legal Service  
Cochrane Leahy Litigation  
DV Lawyer  
Legal Aid Queensland  
Queensland Law Society

### PARTIES TO THE PUBLIC HEARINGS

Crime and Corruption Commission  
Queensland Police Service  
Queensland Police Union of Employees  
Women's Legal Service Queensland

# APPENDIX D

## List of witnesses

The below list includes the details of witnesses who appeared at the Commission's hearings and the focus of their evidence.

### QUEENSLAND POLICE SERVICE

The Commission sought statements from and called the following police officers to provide evidence at public hearings:

- Acting Senior Constable Laurie Bateman, on community-centric policing in Cunnamulla and Charleville
- Commissioner Katarina Carroll, on policing responses to and resourcing for domestic and family violence, and cultural issues within the QPS
- Assistant Commissioner Brian Codd, on the capability, capacity and structure of the QPS to respond to domestic and family violence
- Sergeant Matthew Costelloe, on community-centric policing in Cunnamulla
- Acting Inspector Mel Dwyer, on domestic and family violence training for police officers
- Acting Inspector Jacquelin Honeywood, on policing responses to First Nations peoples, including police personnel, recruitment practices, challenges and opportunities
- Superintendent Kerry Johnson, on policing responses to First Nations peoples, including police personnel, recruitment practices, challenges and opportunities
- Acting Assistant Commissioner Mark Kelly, on domestic and family violence training for police officers
- Chief Superintendent Ben Martain, on the capability, capacity and structure of the QPS to respond to domestic and family violence
- Detective Inspector David Nixon, on QPS conduct and complaints handling processes
- Assistant Commissioner Cheryl Scanlon, on QPS conduct and complaints handling processes
- Deputy Commissioner Paul Taylor, on policing responses in regional Queensland including structure, training, induction and recruitment practices.

The following police personnel were nominated by the QPS to provide statements and evidence at public hearings:

- Acting Senior Sergeant Lisa Buchanan, on police practices and procedures in relation to domestic and family violence prosecutions in remote and regional communities
- Sergeant Elise Feltham, on the operation of the Vulnerable Persons Unit

- Senior Constable Michael Festing, on domestic and family violence training for junior police officers
- Sergeant Neil Gardner, on the operation of the Vulnerable Persons Unit
- Constable Kate Gersekowski, on domestic and family violence training for recruits
- Constable Zak Holliday, on domestic and family violence training for first year constables
- Constable Andrea Hughes, on domestic and family violence training for first year constables
- Sergeant Danielle Hulin, on police practices and procedures in relation to domestic and family violence prosecutions
- Acting Inspector Brett Jackson, on a domestic and family violence co-responder trial with The Centre for Women & Co in Logan
- Sergeant David Longhurst, on police practices and procedures in relation to domestic and family violence prosecutions, and the operation of the specialist domestic and family violence court and the Murri Court.
- Detective Sergeant Anthony Moynihan, on observations and experiences in remote communities, including the Torres Strait
- Torres Strait Island Police Liaison Officer Elsie Nona, on experiences as a Torres Strait Island Police Liaison Officer
- Senior Police Liaison Officer Katrina Rapson, on experiences as a Police Liaison Officer in Normanton
- Sergeant Michael Read, on police practices and procedures in relation to domestic and family violence prosecutions
- Acting Inspector Emma Reilly, on observations and experiences in remote communities, including Mornington Island
- Senior Constable Tammie Robinson, on domestic and family violence training for general duties officers
- Sergeant Aimee Sewell, on the youth respondent domestic and family violence program trial by the Mount Isa PCYC
- Constable Andrew Sinclair-Ford, on domestic and family violence training for recruits
- Senior Sergeant Amit Singh, Officer in Charge, Aurukun, on observations and experiences in remote communities, including Aurukun

- Sergeant Shane Smith, on observations and experiences in remote communities, including Mornington Island and Burketown
- Police Liaison Officer Training Officer Teresa Tapsell, on the training and responsibilities of Police Liaison Officers
- Jordan Theed, Police Prosecutor, on police practices and procedures in relation to domestic and family violence prosecutions, and the operation of the specialist domestic and family violence court.

### INDIVIDUAL AND FORMER POLICE OFFICERS

The following police officers or former police officers provided statements and evidence at public hearings:

- Senior Constable Witness A, on cultural issues within the QPS relating to the investigation of domestic and family violence
- Mark Ainsworth, consultant and retired police officer, on cultural issues within the QPS relating to the investigation of domestic and family violence
- Brendon McMahon, retired police officer, on observations and experiences in remote communities, including Aurukun
- Audra Pollard, retired police officer, on cultural issues within the QPS relating to the investigation of domestic and family violence
- Sergeant Paul Trinder, on cultural issues within the QPS relating to the investigation of domestic and family violence.

### OTHER AGENCIES

The Commission sought a statement from and called the following persons to provide evidence at public hearings:

- Leon Allen, Under Treasurer, Queensland Treasury, on funding for the QPS
- Elizabeth Foulger, Executive Director of Integrity Services, Crime and Corruption Commission, on the role of the organisation
- Ian Leavers, President, Queensland Police Union of Employees, on the role of the QPUE and cultural issues within the QPS.

### COMMUNITY AGENCIES AND REPRESENTATIVES

The following persons provided statements and evidence at public hearings on behalf of multiple community organisations:

- Witness B, representative of a regional domestic violence support service, on client experiences of QPS responses to domestic and family violence
- Toni Bell, Director, Family Law and Civil Justice Services, Legal Aid Queensland, on client experiences of QPS responses to domestic and family violence
- Ben Bjarnesen, Founder and Managing Director, LGBTQ Domestic Violence Awareness Association, on LGBTIQ+ experiences of domestic and family violence, and experiences of QPS responses to domestic and family violence
- Nadia Bromley, Chief Executive Officer, Women's Legal Service Queensland, on client experiences of QPS responses to domestic and family violence
- Hayley Grainger, Principal Lawyer, North Queensland Women's Legal Service, on client experiences of QPS responses to domestic and family violence
- Ellie Hansson, Lawyer, LGBTI Legal Service, on LGBTIQ+ experiences of domestic and family violence, and experiences of QPS responses to domestic and family violence
- Debbie Hewitt, Solicitor, Women's Legal Service Queensland, on the service provided to and the experience of women respondents in domestic and family violence proceedings
- Cybele Koning, Chief Executive Officer, Caxton Legal Centre, on client experiences of QPS responses to domestic and family violence
- Andrea Kyle Sailor, Community Development Worker, Aboriginal and Torres Strait Islander Women's Legal Service, on client experiences of QPS responses to domestic and family violence
- Di Mahoney, Chief Executive Officer, Brisbane Youth Service, on client experiences of QPS responses to domestic and family violence
- Joanna Mason, Advocate and Consultant, Resound, on victim survivor advocacy as part of QPS training, and consultation regarding women's experiences of QPS responses to domestic and family violence

- Karl McKenzie, Chairperson, Townsville Community Justice Group, on client experiences of QPS responses to domestic and family violence
- Florence Onus, Community Development Worker, Aboriginal and Torres Strait Islander Women's Legal Service, on client experiences of QPS responses to domestic and family violence
- Jacelyn Parsons, Social Worker, WWILD Sexual Violence Prevention Association, on client experiences of QPS responses to domestic and family violence
- Cathy Pereira, Principal Solicitor and Coordinator, Aboriginal and Torres Strait Islander Women's Legal Service North Queensland
- Thelma Schwartz, Principal Legal Officer, Queensland Indigenous Family Violence Legal Service, on client experiences of QPS responses to domestic and family violence
- Nikita Sellin, Chief Executive Officer, Junkuri Laka Wellesley Islands Aboriginal Law, Justice and Governance Association, on client experiences of QPS responses to domestic and family violence
- Lewis Shillito, Director of Criminal Law, Aboriginal and Torres Strait Islander Legal Service, on client experiences of QPS responses to domestic and family violence
- Mayor Keri Tamwoy, Aurukun Shire Council, on the importance of community-centric policing
- Betty Taylor, Chief Executive Officer, Red Rose Foundation, on client experiences of QPS responses to domestic and family violence
- Karyn Walsh, Chief Executive Officer, Micah Projects, on client experiences of QPS responses to domestic and family violence
- Anita Wharton, Coordinator, Far West Indigenous Family Violence Service, on the importance of community-centric policing
- Emma Wilson, Embedded Specialist Domestic Violence Advocate, Brisbane Domestic Violence Service, on involvement with the QPS in High Risk Teams and Vulnerable Persons Units.
- Associate Professor Marlene Longbottom, Ngarruwan Ngadju: First Peoples Health and Wellbeing Research Centre, School of Medicine, Indigenous, Allied Health, Faculty of Science, Medicine and Health, University of Wollongong, on cultural, capability and capacity issues that impact on police responses to domestic and family violence
- Dr Michael Maguire CBE, former Police Ombudsman for Northern Ireland, on the civilian control model for police integrity and conduct and complaints, and his experience as the Police Ombudsman for Northern Ireland
- Professor Silke Meyer, School of Health Sciences and Social Work, Griffith Criminology Institute and Griffith Centre for Mental Health, Griffith University, on cultural issues that impact police responses to domestic and family violence, and that contribute to the overrepresentation of First Nations peoples in the criminal justice system
- Dr Heather Nancarrow, Monash University, on the challenges in recognising the person most in need of protection and factors that lead to misidentification of the perpetrator of domestic and family violence
- Professor Andrea Phelps, Phoenix Australia – Centre for Posttraumatic Mental Health, on experiences and best practice responses to first responder trauma and compassion fatigue
- Professor Tim Prenzler, School of Law and Criminology, University of the Sunshine Coast, on police integrity and conduct and complaints handling models
- Dr David Singh, Institute for Collaborative Race Research, on the ways in which race, racism, colonialism and Aboriginal sovereignty intersect in justice and policy, and the ways in which structural and political dynamics impact decision-making
- Dr Elizabeth Strakosch, Institute for Collaborative Race Research, on the ways in which race, racism, colonialism and Aboriginal sovereignty intersect in justice and policy, and the ways in which structural and political dynamics impact decision-making
- Dr Brian Sullivan, SICURA, on domestic violence intervention programs for men
- Professor Chelsea Watego, Institute for Collaborative Race Research, on the ways in which race, racism, colonialism and Aboriginal sovereignty intersect in justice and policy, and the ways in which structural and political dynamics impact decision-making.

## EXPERT ADVISORS

To inform its findings and recommendations, the Commission sought advice from the following experts:

- Associate Professor Kyllie Cripps, University of New South Wales, on integrated service model responses to domestic and family violence in remote First Nations communities
- Professor Heather Douglas, Melbourne Law School, The University of Melbourne, on best practice policing responses to domestic and family violence and a review of Queensland victim-survivor experiences
- Dr Jacqueline Drew, Senior Lecturer, Griffith Criminology Institute, Griffith University, on experiences and best practice responses to compassion fatigue and QPS research in relation to employee health, well-being and performance

# APPENDIX E

## List of meetings

The Commission met with the following individuals and organisations.

### QUEENSLAND POLICE SERVICE REPRESENTATIVES

Acting Assistant Commissioner Mark Kelly  
Acting Inspector Christian Ferguson  
Assistant Commissioner Brian Codd  
Assistant Commissioner Cheryl Scanlon  
Chief Superintendent Virginia Nelson  
Deputy Commissioner Paul Taylor  
Deputy Commissioner Tracy Linford  
Detective Inspector David Nixon  
Senior Sergeant Amit Singh  
Sergeant Matt Costello  
Sergeant Paul Trinder  
Chief Superintendent Ben Martain  
Superintendent Kerry Johnson  
Superintendent Shane Holmes  
Members of the Domestic, Family Violence  
and Vulnerable Persons Command  
Members of the Data Analytics team

In addition to QPS representatives listed above, the Commission met with a further 21 QPS members or former members whose names are kept confidential. The Commission also met with members of the QPS First Nations Reference Group.

### CRIME AND CORRUPTION COMMISSION REPRESENTATIVES

Bruce Barbour, Chairperson  
Jen O'Farrell, CEO  
David Caughlin, Acting Senior Executive Officer (Corruption)  
Elizabeth Fougler, Executive Director of Integrity Services  
Justin Gorry, Director Corruption Legal

### QUEENSLAND COURTS & COMMISSIONS

Magistrate Terry Ryan, State Coroner and Chair of the Domestic and Family Violence Death Review and Advisory Board  
Scott McDougall, Commissioner, Queensland Human Rights  
The Hon. Justice Alan Wilson KC  
Claire Slater, Manager, Performance and Reporting Unit  
Anne Edwards, Director, Queensland Sentencing Advisory Council

### QUEENSLAND GOVERNMENT STATISTICIAN'S OFFICE

#### EXPERTS AND ACADEMICS

Professor Peter Coaldrake AO, Chancellery Division, Office of the Vice-Chancellor & President, The University of Queensland  
Dr Kyllie Cripps, Associate Professor, School of Law, Society & Criminology, UNSW Law & Justice  
Professor Heather Douglas, Melbourne Law School, University of Melbourne  
Dr Jacqueline Drew, Criminology and Criminal Justice Griffith Criminology Institute, Griffith University  
Professor Mark Kebbell, School of Applied Psychology, Griffith University  
Associate Professor Marlene Longbottom, Ngarruwan Ngadju First Peoples Health and Wellbeing Research Centre, School of Medicine, Indigenous Allied Health, University of Wollongong  
Dr Michael Maguire CBE, Lay Member Select Committee on Standards at House of Commons, Queen's University Belfast  
Emily Maple, School of Applied Psychology, Griffith University  
Professor Lorraine Mazerolle, School of Social Science, The University of Queensland  
Professor Silke Meyer, School of Health Sciences and Social Work, Griffith Criminology Institute, Griffith Centre for Mental Health, Griffith University  
Dr Heather Nancarrow, Adjunct Professor of Practice, Monash University and Adjunct Research Fellow, Griffith Criminology Institute, Griffith University  
Professor Patrick O'Leary, School of SHS - Human Services and Social Work, Griffith University  
Professor Andrea Phelps, Faculty of Medicine, Dentistry and Health Sciences, University of Melbourne  
Professor Tim Prenzler, School of Law and Criminology, University of the Sunshine Coast  
Professor Janet Ransley, School of Criminology and Criminal Justice, Griffith University  
Dr David Singh, Faculty of Health, School of Public Health & Social Work, Queensland University of Technology  
Dr Elizabeth Strakosch, School of Political Science and International Studies, The University of Queensland  
Dr Brian Sullivan, SICURA – domestic violence intervention and training  
Professor Chelsea Watego, Faculty of Health, School of Public Health & Social Work, Queensland University of Technology



## ORGANISATIONS

Aboriginal and Torres Strait Islander Legal Service  
Aboriginal and Torres Strait Islander Women's Legal Services Qld Inc.  
Beyond DV  
Brisbane Domestic Violence Service  
Brisbane Youth Service  
Cairns DV Service  
Caxton Legal Centre  
CentaCare  
Centre Against Domestic Abuse  
Compassion Fatigue Australia  
Domestic Violence Prevention Centre Gold Coast  
DVA Foundation  
Far West Indigenous Family Violence Service  
First Nations Mayors Summit  
IFYS – Sunshine Coast  
Junkuri Laka  
Logan Centre for Women  
LGBTI Legal Service Inc.  
LGBTQ Domestic Violence Awareness Foundation  
Micah Projects  
Mission Australia  
North Queensland Women's Legal Service  
One in Three  
Phoenix Australia  
Prisoner's Legal Service  
Queensland Indigenous Family Violence Legal Services  
Red Rose Foundation  
Resound  
Respect Inc.  
The Centre for Women & Co.  
The People Game  
The Women's Centre Townsville  
Townsville Justice Group  
Women's Legal Service Queensland  
WWILD Sexual Violence Prevention Inc.  
YFS Logan

# APPENDIX F

## Survey analysis

### Insights into leadership: Perceptions and attitudes of the QPS membership of its workplace and leaders.

‘Ultimately, leadership at all levels owns culture’<sup>1</sup>

Accepting that leadership assumes a critical role in establishing and sustaining organisational culture, the Commission sought to understand leadership within the Queensland Police Service (QPS) and the perceptions of its workforce (or membership) towards its current leadership.

The Commission analysed two established surveys to better understand the attitudes of the QPS membership toward their leaders across all levels within the organisation.

#### 1. WORKING FOR QUEENSLAND (WFQ):

This well-established survey examines the perceptions of Queensland public sector employees of their work, workplaces, leaders, and organisations.<sup>2</sup>

Conducted since 2013, results from the WFQ Survey provided the Commission with an opportunity to examine QPS membership perceptions of their leaders and organisation and how these have shifted over time.

This well-established survey examines the perceptions of Queensland public sector employees of their work, workplaces, leaders, and organisations.<sup>3</sup>

Conducted since 2013, results from the WFQ Survey provided the Commission with an opportunity to examine QPS membership perceptions of their leaders and organisation and how these have shifted over time.

The WFQ survey is administered centrally by the Public Service Commission and circulated across all government agencies. External providers safeguard participant anonymity which encourages public service employees to confidentially share their views and contribute to creating better workplaces.

The QPS has recorded stronger participation rates for this survey in recent years building the Commission’s confidence in using its results to understand their membership’s employment experiences and perceptions of organisational leadership.

#### 2. QPS DFV-Q (THE NOUS SURVEY):

The second survey, referred to as QPS DFV-Q, was initially conducted in 2018 by an independent group, the Nous Group, at the request of the QPS.

This cultural questionnaire was specifically designed to examine the attitudes and perceptions of QPS membership about policing domestic and family violence in Queensland.

The 2018 results established an important baseline of perceptions to inform the QPS cultural reform efforts to improve its response to domestic and family violence. The QPS intended to replicate this survey to assess the effectiveness of their reform; however, at the time of the Commission’s establishment, that intention had not been actioned.

The Commission engaged the Nous Group to re-administer the 2018 survey to capture attitudes and perceptions about policing domestic and family violence following the baseline survey and to assess any changes.

The Commission appreciates QPS’s support to re-administer this survey within a condensed time. Both the Commission and QPS added questions to build on the utility of this survey.

The Nous Group explored attitudinal shifts since the baseline 2018 survey and provided their professional interpretation about the findings for the Commission. De-identified results were shared with the QPS to inform and support their ongoing reform agenda.

Despite lower overall response numbers to the 2022 survey, the Nous Group advised that the sample achieved is representative of the broader QPS workforce.<sup>4</sup> The Commission is therefore confident that conclusions drawn from this survey are reflective of the QPS membership.

The following sections provide a brief overview of what the Commission learnt from these surveys, focusing specifically on the QPS membership perceptions of their leadership, organisational culture, and their role in responding to domestic and family violence.

## WFQ: FRACTURED LEADERSHIP, MEMBER FATIGUE AND ORGANISATIONAL MISTRUST.

“...Perhaps in future surveys you could provide a free text option for people to add any additional comments about the organisation, their workplace or even generally about leadership and management as it effects [sic] them in their role. I’ve actually typed 3 pages on a word document but having spent the past few hours thinking about it I see no point submitting as it will only end up in the same place as last years [sic] survey. That or it will be interpreted and spun along with the data and people end up being classified as in that % of people who are negative or disgruntled with the organisation. The truth in fact could not be further from the truth, as some of us are genuinely excited about the future and would like to see real change. We just don’t think it can happen from WfQ, or at least it hasn’t for the past how many years we have been doing this.”<sup>5</sup>

In evidence to the Commission, the Police Commissioner noted that prior to assuming her position, approximately 38% of the QPS workforce responded to the WfQ survey.<sup>6</sup> She considered that investment in enhancing WfQ participation rates was critical for gaining a deeper insight into membership’s assessment of the QPS:

**“I purposely wanted to drive that up so we could see, you know, what was happening across the organisation. So, we got that to 70 per cent. And I brought someone into the organisation from another organisation to actually start looking at that data to bring it to the executive leadership team to start proactively looking at areas of concern.”<sup>7</sup>**

Table A confirms increases in response rates since The Police Commissioner was appointed.

	2017	2018	2019	2020	2020
Returned surveys	7,515	7,543	10,902	11,619	11,029
Response rate	49%	48%	70%	72%	68%

Table A: Response rates

The Commission obtained five years (2017-2021) of WfQ survey results from the QPS,<sup>8</sup> as well as additional analyses of results, including 1,192 pages of free-text responses to the 2021 WfQ question: *A friend has decided to apply for a job in your organisation. They have asked you to tell them what it’s like to work there. What do you tell them?* (Question 48).<sup>9</sup>

To preserve the integrity of the Commission’s approach and maintain community confidence in conclusions drawn, 10% of these free-text responses (120 pages) were randomly selected and categorised into representative themes.<sup>10</sup>

The Police Commissioner in acknowledged evidence that “people in Working for Queensland are very honest in their feedback that they give”.<sup>11</sup> The quantitative and qualitative WfQ results provided a valuable and candid insight into QPS membership perceptions of their workplaces and leaders.

The WfQ results reveal a workforce fatigued by change, disgruntled with leadership and their lack of direction for the organisation and sceptical about organisational commitment to the membership:

**“At present, the QPS appears to be a directionless ship that is just floating around on the vast ocean hoping to avoid any dramas while the bosses sit back and collect their inflated pay checks and wait to retire with ridiculous pensions whilst the real workers are left to panic, not knowing what they can and cannot do and unsure as to whether their actions will cause them to lose their jobs. They are forced to 2nd guess everything they do, for fear**

**of reprisals and have settled on the conclusion that the safest course of action is to do nothing at all and bury their heads in the sand, thus avoiding the risk of losing their job because top management feel the need to throw them under the proverbial bus as a sacrifice so that they may keep their own jobs. There is no accountability within the QPS hierarchy and the values that they hold the rest of us to are as clear as mud. The whole organisation needs a complete clear out at senior level and in my honest opinion, the Fitzgerald enquiry [sic] isn’t worth the paper it is printed on and there needs to be a new enquiry undertaken, and real changes implemented, ones that don’t paper over the cracks and protect the pensions of the top brass.”<sup>12</sup>**

The Commission’s analysis also revealed significant levels of dissatisfaction with the WfQ survey process itself, expressing anger at being “forced to [do] this survey” and cynicism about the organisational efforts to genuinely address its results. Acknowledgement that WfQ resulted in observable workplace change reduced from 79% in 2017 to 68% in 2019.<sup>13</sup> The following responses were received:<sup>14</sup>

**“I have no expectation that this survey will bring any change as previous years have proven”**

**“I feel each year the WfQ surveys are completed and results are not taken seriously or the results are manipulated to suit what the required outcome from the view of upper management”**

**“Being told in a meeting that if the WfQ results come back overwhelmingly negative that teams may be micromanaged or scrutinised further and stating specific examples of where this has occurred elsewhere in the organisation”**

**“Management has specifically encouraged us the staff under them to fill out this Working for Queensland survey that shows them in a favourable light instead of being truthful and honest.”**

The QPS provided a standardised Highlights Report for each of the five years under review.<sup>15</sup> These statistical reports were prepared by the WfQ administrators and present aggregated findings specific to the QPS, including key interpretations on important themes and drivers.

The Commission was particularly interested in the *Agency Engagement* theme and collective responses to questions linked to the *Organisational Leadership* driver. The WfQ administrators’ explanation of these two areas illustrate why they were of interest to the Commission’s terms of reference:

**“... agency engagement is at the centre of strong organisations. ... Engaged staff are committed to their work and have a desire to perform at high levels and go the extra mile; they remain with their organisation and recommend it to others as a great place to work. ... A driver is a question that is likely to have an impact on engagement. ... It is common to see perceptions of leadership as a strong driver of agency engagement”.<sup>16</sup>**

Table B provides aggregate results of the positive sentiments for *Agency Engagement* and *Organisational Leadership* across each year, as well as how these annual results compare to the those for the broader public sector.

	2017	2018	2019	2020	2020
Agency engagement	50%	53%	53%	55%	51%
(Comparison to Qld public sector)	(-8)	(-6)	(-5)	(-4)	(-7)
Organisational leadership	39%	39%	40%	46%	41%
(Comparison to Qld public sector)	(-12)	(-10)	(-9)	(-7)	(-10)

Table B: Aggregate levels of positive sentiment

## ORGANISATIONAL LEADERSHIP: MIXED RESULTS IMPACTED BY VARIED FACTORS

Table B indicates that while relatively stable over the five years, sentiment toward both *Agency Engagement* and *Organisational Leadership* improved in 2020, followed by reductions in 2021 to levels reflective of previous years.

Closer scrutiny of the 2020 results revealed shifts in perceptions of *Organisational Leadership* associated with both senior and direct manager levels. Two questions specifically examining membership perceptions of *Organisational Leadership* were among the top five identified as recording the greatest improvements since 2019:

- *In my organisation, the leadership is of high quality* 46% (+6 from 2019)
- *My organisation is well managed* 40% (+6 from 2019).

Retracing previous results to gain a better understanding of how perceptions of *Organisational Leadership* had changed over the five-year period revealed mixed findings about senior and direct manager levels.

In 2019, two of the five questions recording the greatest growth in negative sentiment related to middle management. Question 30(a) *My senior manager demonstrates honesty and integrity* recorded an increase in positive sentiment by three-points from 2018 to 72%, a level one-point higher than that recorded for the broader public sector.

Conversely, the 2018 perceptions of senior management's collective integrity demonstrated small reductions from 2017. For example, Question 30(a) *My senior manager demonstrates honesty and integrity* reduced one point from 2017 levels, although remained three-points higher than the broader public sector, while Question 31(d) *In my organisation, the leadership operates with a high level of integrity* dropped one point to 44%, seven points lower than the broader public sector.

The Commission acknowledges that there were positive free text responses in 2021 about senior leadership:<sup>17</sup>

**"I would tell them that I feel more hopeful about the future of my organisation now, than I did in the past. While there is still a lot more work to do, I have a lot of faith in our current Commissioner to lead our organisation in a more positive direction. I am encouraged by positive recognition and change that has been occurring since the current Commissioner has taken up the role. Even though the last 18 months through the Covid-19 issues have been extremely tough on our organisation as a whole, and on individuals within the organisation, I feel that the Commissioner has been implementing steps towards positive change that have been**

**very much needed to make our organisation more modern. I have noticed a better shift in the overall culture of the organisation since this Commissioner has been in her role, which I feel has been filtering down through the leadership - with better communication happening, more transparency, and admirable qualities being demonstrated at leadership level, which gives us all confidence."**

**"Supportive work environment..[sic] Supportive senior management"**

**"Working for QPS has been and still is a good workplace to be in. There are opportunities to improve your knowledge and skills within QPS. For me I have found in my workplace a lot of work and personnel support and have made lifetime friends within. I have experienced dedication and passion within the workplace and have nothing but total respect for my Director and Manager"**

**"It has been a really supportive work environment so far, the staff and management have been excellent in supporting my progress"**

However, the overall tone of the 2021 free-text responses reflected the quantitative results. Assessing the shift between 2020 and 2021, three of the top five questions which recorded the greatest increase in negative sentiment related to senior management while the remaining two were associated with perceptions of the workplace:

- *In my organisation, the leadership is of high quality* 40% (- 6)
- *I would recommend my organisation as a great place to work* 51% (- 6)
- *I feel strong personal attachment to my organisation* 57% (- 5)
- *In my organisation, the leadership operates with a high level of integrity* 46% (- 5)
- *My organisation is well managed* 35% (- 5).

In comparison, all questions identified as recording the greatest increase in positive sentiment in 2021 related to middle management and their influence on individuals and workplaces.

Question 29(f) *My manager demonstrates honesty and integrity* recorded a positive response rate of 79% one point higher from 2020 (78%) yet equivalent to the broader public sector across both years;<sup>18</sup> while Question 30(a) *My senior manager demonstrates honesty and integrity* recorded a five-point reduction, recording positive sentiment of 68% (down from 73% in 2020),<sup>19</sup> one point lower than the broader public sector. These changes confirm that the shift between 2020 and 2021 focused on senior as opposed to direct management.

The 2021 Highlights Report reveals that the top five drivers of *Organisational Leadership* recorded stability or reductions in positive sentiment from 2020:

- Q31b. *My organisation is committed to developing its employees* 39% (-4)
- Q31g. *In my organisation, senior leaders clearly consider the wellbeing of employees to be important* 37% (-4)
- Q31h. *The wellbeing of employees is a priority for my organisation* 36% (-4)
- Q31e. *Recruitment and promotion decisions in this organisation are fair* 25% (0)
- Q33e. *My organisation inspires me to do the best in my job* 43% (-4).<sup>20</sup>

The Police Commissioner acknowledged the 2021



deterioration in confidence in senior leadership in evidence when asked about the six point reduction in agreement with the statement *In my organisation the leadership is of high quality* (down to 40%); a level 11 points below the broader public sector:

“The month that this survey took place was also the month that I gave a direction for the vaccine mandate, and when you look at the qualitative data there was a lot of people very angry about that mandate. The data also shows that the organisation was tired and overworked and angry, because we’re into the second year of COVID, and they honestly believed that the senior executive could not appreciate that the pressure was - what they were under. And on top of that - ... - that they couldn’t meet demand already from two, three previous years, and here we were putting 12, 1,300 some days to COVID, and on top of that we were going through massive reform, and particularly also in areas like SDRP that had even more negative responses about leadership in that regard. **So there was a lot of things that played into this.** I knew the survey results were going to be very, very different this year, and it turned out exactly how I thought it would be. And if you look at - sorry, if you look at the survey results prior to that, ‘19 and ‘20, there was excellent increases in those previous years, and pleasingly, and then we hit this one and it’s sobering; it’s difficult to look at”<sup>21</sup>

Examination of the free-text responses confirms the Police Commissioner’s assessment. Participant frustrations with organisational leadership in 2021 were related to the several factors she identified as well as increasing policing demands associated with domestic and family violence and young offenders:<sup>22</sup>

“No direction we are like a failed state and need someone to come in create stability and it’s not because of COVID. Instability is because there is no direction and no plan. ... DV is the prime example of frontline being blamed when management created the rules and the mess and don’t give us enough staff to do our job. The whole approach to vaccinations is disgusting. Our people matter my a#%. You’re going to sack people who’ve done nothing wrong but work hard. We get it. We know why but you’ve completely misread the weather here. Using the complaint process to sack people over a medical issue is a complete abuse of power or shows no one in there knows what they are doing, probably the latter which is scary in itself but we know it anyway thanks to SDRP. Who in their right mind continues with major organisational change in the middle of a pandemic. Who does that. QPS that’s who. We are begging you to stop to make a plan to show some direction and give us staff. ... I hope this court challenge wins not because I support anti vaxers but to send a message to management about this shit. We are fed up with being the lawns [sic] in political games and being blamed when everything goes wrong. Time for the executive to take responsibility. This should be your wake up call. The last two years have been one disaster after another. No one knows the priorities and even if we love our mates we don’t like coming to work anymore. Please fix it.”

“I have loved working for Qld Police but with the recent directive from the commissioner [sic] I would advise against applying. The latest directive is dictatorial and will end up being like working for communists. Our rights are not recognised and no understanding of peoples [sic] free thinking is recognised.”

“I have always enjoyed my job and my role in the QPS. I have always found management to be supportive and my work environment was enjoyable. Since a direction was made by the Commissioner to mandate Vaccines. I have been stressed and had anxiety. I don’t believe enough time was given to QPS employees to get an exemption. I believe this is [sic] direction is unfair and interferes with basic human rights. The amount of stress this has caused me, and my family is beyond words and every time I have sought advice and help, I have been shunned.”

“I would tell them that I love my job however the executive will only see you as a number. This has been proven by the COP mandating a medical procedure to all QPS staff, she has shown that she does not care about officers [sic] individual beliefs and does not care about their circumstances. She is implementing a one size fits all or get out mentality. This is a very poor business model and proves that the “our people matter” and workplace bullying programs are simply PR for the COP. She is showing bullying and coercion on a grand scale and is happy to push passionate, experienced coppers out the door. It appears that she is happy to cut her nose off to spite her face. A true leader would show compassion and would have consulted with her staff before mandating this rubbish. She is acting like a dictator at best and has lost a lot of respect of officers who have both followed the direction and those that have not. I for one am questioning whether or not i [sic] wish to work for this organisation anymore. In short i’d [sic] tell my friend that they could do better than work for this organisation. From a copper who has worked for the QPS for more than 12 years I [sic] think this should be concerning for the COP but in reality i [sic] know she doesn’t give a shite.”

“... the QPS is in a shambles with limited to no strategic direction. We don’t know any of the priorities and I am certain the executive have no idea. We are a knee jerk agency. There is a DV Homicide - make another AC and command, that will fix it, there are kids stealing cars – make another AC that will fix it. Vaccinations not going well, put another deputy commissioner up that will fix it. We don’t even need the 4 weve [sic] got the only reason we have them is because of the micro managing.”

“My responses to this survey have nothing to do with COVID and the current pandemic.”

“The current QPS SDRP/SAP [Service Alignment Program], RAC as well as the COVID response has led to the lowest morale in over 20 years”

“The rise in juvenile crime, domestic violence, assaults on police and the high levels of scrutiny and accountability create an unsustainable environment.”

“DV will suck your will to live.”



The seven point growth in agreement with the statement *My workplace has undergone significant change in the past 12 months* reinforces the membership's appreciation of the pace of change in recent times. The relationship between senior leadership and perceptions that the organisation is lacking direction was also evident in agency-specific questions. For example, in response to the statement: *The communication I receive from my ED/AC [Executive Director/ Assistant Commissioner] makes me optimistic about the future of the QPS* only one-third (33%) agreed, while 41% remained neutral and 26% disagreed:

**“The quality of leadership is diminished and continues to decline. Organisational priorities are incredibly mobile and are subject of continuous and mixed variation. There are incredible inconsistencies in the behaviour and messaging of senior executives and this issue continues to impact on the credibility of Senior Officers, which in turn stifles optimism concerning the future of the organisation. There are some very real and apparent integrity issues around the**

**promotion and transfer process - as was recently identified in a high court challenge. Whether knowingly or not, there is a degree of arrogance slipping in to [sic] the leadership culture and it needs to be dealt with, both appropriately and quickly, of [sic] the organisation is to meet the challenges of the future in policing. Salaries are not the issue in the contemporary QPS, it is very much down to the poor quality of leadership.”** <sup>23</sup>

Additionally, cynicism about organisational change led by leadership was evident as only one third (32%) agreed with the statement: *I believe the changes being undertaken across the QPS will have positive benefits for my workplace*, while the remaining two thirds were equally split between a neutral response and a negative response (34% each).

**“the QPS is going through a massive change at the moment and it has been handled poorly.”** <sup>24</sup>

The variability of perceptions about *Organisational Leadership* is also observable across locations. Table C provides an indication of this variability in perceptions over time and geographical locations. The added highlighting identifies levels below the QPS average each year.

Year*	QPS Average	Brisbane Region	Central Region	Northern Region	Southeastern Region	Southern Region
2017	39%	32%	29%	40%	32%	38%
2018	39%	34%	33%	39%	40%	38%
2019	40%	35%	37%	43%	39%	37%
2020	46%	42%	44%	50%	46%	44%

Table C: Variability in perceptions over time and geographical locations \* Due to differences in data provided, this Table incorporates data across a four-year period 2017 to 2020.

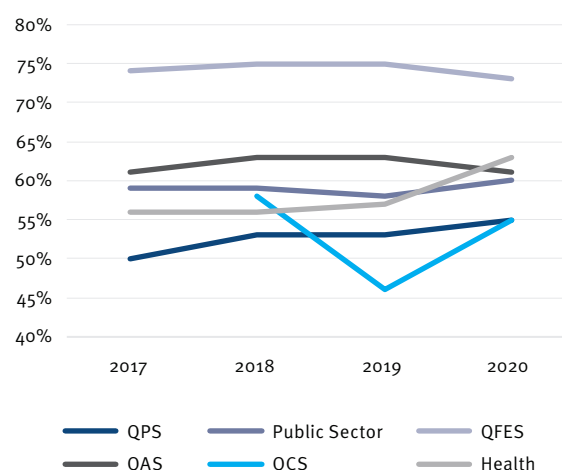
The WfQ results pertaining to *Organisational Leadership*, demonstrate that the perceived and real actions (and inactions) of direct and senior leaders strongly influence membership. The variability of the results over time and locations also confirm that this strong influence is extremely responsive, reflective of memberships' recent experiences and perceptions.

## AGENCY ENGAGEMENT: ONGOING DISENGAGEMENT DUE TO CLEAR DRIVERS.

Relevant agency-specific questions recorded reductions in positive sentiment since 2020. For example:

- *I am committed to the QPS purpose of 'Together, we prevent, disrupt, respond and investigate'* 73%, down two points from 2020.
- *The new QPS values are at the core of who we are and what we do each and every day* 57%, down three points from 2020.
- *I am optimistic about the future direction of the QPS* 42%, down 13 points from 2020.

The WfQ results also exposed levels of *Agency Engagement* lower than other emergency service providers as presented in Figure A below, except for the Queensland Corrective Services in 2019:



QFES – Queensland Fire and Emergency Services  
 QAS – Queensland Ambulance Service  
 QCS – Queensland Corrective Services  
 Health – Queensland Health

Figure A: Agency Engagement across Emergency Service Provider Agencies

Examining *Agency Engagement* at the unit below the organisation level reveals that in 2020 corporate areas typically recorded positive sentiments well above the average (55%), particularly the Communications, Culture and Engagement Division (69%) and Policy and Performance Division (74%). Table D provides additional information about the range of levels across the then organisational units:

<b>Overall</b>	<b>55%</b>
<b>Southern Queensland</b>	<b>53%</b>
Brisbane Region	54%
Southern Region	55%
South Eastern Region	54%
Road Policing and Reg Supp Cmd	49%
<b>Regional Queensland</b>	<b>56%</b>
Central Region	52%
Northern Region	59%
<b>Crime Counter-Terrorism and Specialist Operations</b>	<b>55%</b>
Intelligence and Covert Services Command	48%
Operations Support Command	60%
Security and Counter-terrorism Command	53%
State Crime Command	58%
<b>Strategy and Corporate Services</b>	<b>62%</b>
Communications, Culture and Engagement	69%
Ethical Standards Command	52%
Legal Division	58%
Organisational Capability Command	61%
People Capability Command	64%
Policy and Performance Division	74%

Table D: *Agency Engagement* across organisational units.

Figure A and Table D confirm that perceptions of *Agency Engagement* as with *Organisational Leadership* varied both over time and across locations. This variability has the potential to impact service delivery and necessitates tailored responses to meet the nuanced findings.

The Commission identified several factors through both quantitative and qualitative results to explain the recorded perceptions of *Agency Engagement*, in particular the reasons it reduced by four points between 2020 (55%) and 2021 (51%), a level seven points below the broader public sector.

The 2021 Highlights Report revealed that the top five drivers of *Agency Engagement* all recorded reductions from 2020:

- *All things considered how satisfied are you with your current job?* 64% (-5)
- *My organisation is well managed* 35% (-5)
- *My organisation is committed to developing its employees* 39% (-4)
- *In my organisation, the leadership is of high quality* 40% (-6)
- *The wellbeing of employees is a priority for my organisation* 36% (-4).

These are considered in greater detail in the next section.

## JOB SATISFACTION: FEELINGS OF BURNOUT AND PRESSURE

Responses to Question 23(b) *I feel burned out by my work* were evenly distributed across the agree (35%); neutral (30%); and disagree (35%) categories. This area experienced a three point reduction in positive sentiment since 2020 and was identified by the WfQ administrators as one the of a 'key areas for improvement' in the 2021 Highlights Report. This position was reinforced by comparable results for the statement *I am overloaded with work* (35% agree; 35% remain neutral; and 30% disagreed).

Similarly, members reported a two point reduction in positive sentiment to the statement *I understand how my work contributes to my organisation's objectives*, while the overarching statement *All things considered, how satisfied are you with your current job?* recorded a five-point reduction in positive sentiment to 64% in 2021.

Collectively this situation reflects an organisational environment that will thwart QPS efforts to build effective practice and lead any necessary reform:

**"The QPS executive regularly states that it is aware of the pressures on the frontline. This is all rhetoric, because they truly have no comprehension at all. The frontline is at breaking point, and it is a miracle that we don't have more sick leave than the large numbers we already do. Every time there is a vacancy in a specialist unit, they backfill from the front line. Every time a new command or division is created (eg FNMAU or the DV Command) it is ultimately the front line that suffers a depletion in numbers. These units are supposed to address the issues that affect the front line, but they don't."** <sup>25</sup>

## ORGANISATIONAL MANAGEMENT: PERCEPTIONS OF INACTION, FAVOURITISM AND NEPOTISM

**"No integrity, no fairness no professionalism and I can't remember the other ones. So over the favouritism and nepotism here. I'm confused daily about what is expected of me so imagine how the recruits feel. No one is valued unless you are in the circle. ... No leadership no direction ... People are treated in an appalling manner. I am overwhelmed by the rhetoric and blatant disregard for process and integrity. We hear about the importance of leadership and valuing people but this is not practised by any measure. If this is to inform workplace improvements may I suggest a hurry along with the promotions process. May I suggest a clear direction. May I suggest we care for our police. May I suggest we make them feel supported. Nothing has changed since last year or the year before except of course SAP [Service Alignment Program] and VAX [vaccination]."** <sup>26</sup>

Several free-text responses directly attributed their negative sentiment about workplace management to the pervasive influence of senior management, specifically senior management's ritualism illustrated by tolerance of improper behaviours which are portrayed as 'unacceptable' through formal strategies and documents: <sup>27</sup>

**"The Far Northern and Northern Regions are managed by an ongoing culture of nepotism stemming from the Deputy Commissioner's methods of operation which are based on nothing more than this concept. It is progressively degrading not only the morale of most Senior Officers but the integrity of promotions and the leadership within all three Districts. Officers in relief roles brag about which job**

the executive will appoint them to. Many officers at the level of Snr Sgt are unwilling and openly feel unsupported by management when in relief roles and as a result are unwilling or loathe to take on relieving roles as an IOP [Inspector, Operations Leader] due to the inherent risks should something go awry. The SDRP has been among the greatest debacles of this organisations [sic] restructuring which has been attempted during a pandemic. The engagement with the workplace has been among the worst ever envisaged. This Region needs a total change of command as ingrained and established legacy issues of the current commanders will continue to build and reinforce the shambolic nepotism in its worst for [sic] as the organisation lurches forward in an unsure and vague direction with grand intentions posed but little technical and credible thought how this can be achieved and will be accurately assessed or evaluated.”

“... the biggest stresses from the job come from QPS mis-management”

“We have a motto in the QPS which is “Our people matter”, it seems in this region that only “some people matter”.

“I would advise to totally disregard the ‘Our People Matter’ program as it is utter rubbish, its [sic] all smoke and mirrors. Its [sic] great for publicity but in reality very little is being done for front line police.”

“PCAP [People Capability Command] is fuelled by negative people mainly because of a lack of transparency in relieving and arrogant level of favouritism by the AC in relieving of commissioned officer positions. Its [sic] a terrible state of affairs. Comments about the areas changed in the restructure are disgraceful ... Really, do we consider this is appropriate if our people matter. Our People do not matter. Its [sic] time for us to stop, refocus, reset, consider the executive and how you are managing us and why people are so angry, not upset but actually really really angry.”

Overall, *Organisational Fairness* remained stable between 2020 and 2021, with 40% expressing positive sentiment; 27% remaining neutral and 33% expressing negative sentiment. This level was four-points below the broader public sector average. Similarly, the 2021 Highlights Report workplace climate index, *Fairness and Trust*, recorded 52% positive sentiment; 26% neutral; and 22% negative sentiment, representing a one-point reduction from 2020 and seven-points lower than the broader public sector.

“...the QPS is currently in turmoil and has lost its direction with what we are about - Stop the Crime and keep the community safe whilst ensuring we are fair and ethical. I would tell them the Sir Robert Peels’ policing principles are being slowly eroded. We are hindered by too much red tape and Commanders who are acting like politicians not leaders. There is currently too much emphasis on internal platforms like social media (Workplace) to give us a false sense of workplace harmony. POLICE WHO ARE BUSY DOING REAL POLICE WORK DONT HAVE TIME TO READ “WORKPLACE” Instead of more resources and funding to do our job (decrease crime) the QPS strategy at the moment is to “reduce reported crime” and “calls for service” by discouraging the public from reporting crime and actually speaking to police. ( ie Service Realignment, SOLVE model) I would tell them that this is not what policing is about. Police are here to serve the public not find ways to shirk responsibility and put up barriers to engaging with the community. I would tell them that this is not the job I joined and that 99% of police officers are good people who just want to keep the Qld Community safe.”<sup>28</sup>

Perceptions of organisational management impact the capacity of senior leaders to build collective support for effective practice and needed reform.

The recent shifts from 2020 and 2021 highlight specific areas which immediately require senior leadership attention, in particular perceptions of compromised integrity and perceptions of widespread favouritism and nepotism. Detailed analysis confirmed that the promotion system and the complaints/discipline system represent critical determinants of widespread perceptions of nepotism and favouritism.

Some of the Working for Queensland responses included:<sup>29</sup>

“An organisation that says one thing and does another. There are regulations and rules in place that seem to be used against you when it suits middle/senior management but when it’s raised against them you become a target.”

“The resume format does not give any relevance to your work history or your training at all. The points are purely from your ability to articulate jobs/performance in the relevant 2 page document. The resume system is incredibly flawed if you can be a skilled and qualified applicant, with similar work history and years of quality performance in an [sic] work unit, yet these are not taken into account anywhere in the marking guide.”

“Management have [sic] favourites who seem to get all the relieving opportunities and courses and the majority of those people get such things off the back of bad work and negative complaints. Management are [sic] afraid to pull people into line or discipline people because they are too afraid of getting a complaint put against them. This means that bad behaviour and bad work continually gets rewarded and almost encouraged as it all gets swept under the rug. Even the people who have had complaints put against them brag about it being swept under the rug ... I have no faith in complaints being handled correctly or taken seriously. ... The well-being and development of staff means nothing unless you’re in the “clique”. There are people in the station who work long and hard days and more than what is required, to not even claim overtime, who continually get treated negatively and hard work goes unrecognised. ... Favouritism is rife through the station and multiple people are of the same belief but don’t want to stand up and say anything about it in fear of repercussions.”

## ORGANISATIONAL LEARNING: LIMITED OPPORTUNITIES AND SUPPORT TO DEVELOP

The 2021 Highlights Report reveals that *Learning and Development* reduced in positive sentiment by two points from 2020 to 48%, a level eight points below the broader public sector.<sup>30</sup> At a more granular level, responses to statements *I am able to access relevant learning and development opportunities* and *Learning and development activities I have completed in the past 12 months have helped to improve my performance* both experience reductions in positive sentiment by one point since 2020 to 52% and 55% respectively.<sup>31</sup> The following responses were received:<sup>32</sup>

“There is also a focus from senior leaders on “running to get to the next job” instead of training our people to do the job properly. Training in the QPS is more about compliance than development and mastery. This is apparent from recruit level. As an organisation, we rely on the junior frontline staff to get the job done as fast as possible, while simultaneously failing to provide them with adequate training to do the tasks professionally. There is a culture within the QPS where training is seen as getting in the way of “actual work.””



“Most of the on road officers only ever see their “leaders” in formal uniform and that’s all they view them as, out of touch and more interested in looking shiny in their fancy uniform, not caring about their operational officers. Training is poor to non-existent.”

“Training future police is clearly not a priority any more [sic]. Just churn em out like a sausage factory and hope for the best.”

“Training is minimal. We are not supplied specific time to upskill or do expected training courses/credits. We are overworked, understaffed and under-resourced and crime continues to increase and the paperwork and triple up’s of administration also increases. Staff in our office are absolutely burnt out, tired and feel they are unable to undertake their investigations well, because of the work demands and the inability to stay on top of it.”

“The jobs you attend are great and the community are generally supportive but your expected to be an expert in everything which is overwhelming. You also have senior officers who have been promoted to their level of incompetence dictating what junior officers should be doing when the junior ones often have more current up to date knowledge on matters due to the training they are forced to do.”

The Commission acknowledges the Police Commissioner’s evidence that COVID has been a disruptive factor impacting the QPS’s capacity to deliver training for its members, and notes the external pressures during COVID and the police role during the pandemic would influence these findings.<sup>33</sup>

Overall, questions under the Performance and Development Workplace Climate Index all reported reductions in positive sentiment. The greatest deterioration was associated with a four-point reduction in positivity to the statement *My organisation is committed to developing its employees*, resulting in 39% in agreement, 28% neutral and 33% in disagreement.<sup>34</sup>

## LEADERSHIP: ACKNOWLEDGEMENTS OF THE NEED FOR QUALITY

Earlier discussions detailed membership concerns about leadership which contributed to reductions in positivity recorded between 2020 and 2021. The following free-text commentary reinforces the membership’s acknowledgement of how critical quality leadership is for their engagement in the workplace.<sup>35</sup>

“There are different work groups, stations, and teams that operate differently. It will depend on the Supervisor/OIC of that particular area that determines what behaviour are allowed or caused. Some teams are so focused on family and friends; others have a popularity contest. This is known and ignored, Juniper was shut down because of the bullying and harassment complaints. Systemic issues are reducing because officers have started to retire. Should you be placed with a great team, than you will love it; becareful [sic] not to get pulled into accepting or participating in sexual conversations, it is not the norm. Great teams have social events, they communicate well and look at helping each other out.”

“The organisation has progressed positively in the last few years. They are committed to helping their members to obtain a healthy work life balance. The promotional process is being improved however there are challenges with development opportunities due to operational pressures

and requirements which does cause dissatisfaction with career development. I would always encourage people to join because the organisation needs more people to help the community and lessen the burden on existing members.”

“We currently have an OIC who is being trialled for the work unit. This member has implemented and improved so many work practices across the entire unit. The member is fair and considerate and without them, the progress of the unit was becoming hindered by the office manager. Not only is the person in the OIC position fantastic for the work unit but having an OIC within the unit structure has been really positive for employees.”

Three additional statements provide an indirect measure of perceptions about effective management: *I have the tools I need to do my job effectively* which reduced by two-points to 63%;<sup>36</sup> *I get the information I need to do my job well* which reduced by three points to 65%;<sup>37</sup> and *My organisation is open to new ideas* which reduced by four points to 42%.<sup>38</sup>

Membership confidence that their complaints would be handled effectively is also reflective of quality management. Levels of positive reaction to the statement *If I raised a complaint, I feel confident that it would be taken seriously* reduced in 2021 by two points from 2020 recording 50% in agreement, 24% remaining neutral and 26% in disagreement.<sup>39</sup>

In 2021, 24% of participants reported witnessing bullying.<sup>40</sup> This question in 2020 combined sexual harassment and bullying into the one question: *During the last 12 months have you witnessed bullying/sexual harassment in your workplace?* and recorded 21% reporting they had witnessed these behaviours.<sup>41</sup> Fifteen per cent experienced bullying in 2021, an increase from 13% from 2020.<sup>42</sup> The results further indicate 67% of these 2021 respondents did not report the bullying, representing an increase from 65% in 2020.<sup>43</sup> Of those who did not report, the five most common reasons given were:<sup>44</sup>

- I did not think any action would be taken (58% compared to 59%)
- It could affect my career (44% compared to 47%)
- I did not think it was worth the hassle of going through the reporting process (39% compared to 39%)
- I did not want to upset the relationships in the workplace (36% compared to 40% in 2020)
- Managers accepted the behaviour (35% compared to 36% in 2022).

In 2021, 5% reported witnessing sexual harassment<sup>45</sup> and 2% reported experiencing sexual harassment, an increase from 1% in 2020. Of these respondents, 78% did not report the sexual harassment, representing an increase from 72% in 2020.<sup>46</sup> Of those who did not report, the five most common reasons given were:

- I did not think any action would be taken (43% compared in 43% in 2020)
- It could affect my career (41% compared to 43% in 2020)
- I did not think it was worth the hassle of going through the reporting process (41% compared to 33% in 2020)
- I did not want to upset relationships in the workplace (37% in both 2021 and 2020)
- I did not think the sexual harassment was serious enough (24% compared to 22% in 2020).

These results demonstrate the benefits of the WfQ results for leadership, delivering nuanced findings to understand the issues and then inform tailored remedial efforts to address them. This notion was reinforced by the Police Commissioner in evidence: “Working for Queensland is an area that I put a lot of faith in getting good results, because a large cohort answers it and people are very honest because it’s confidential”.<sup>47</sup>

The Police Commissioner did accept that “people ... fall through the cracks”.<sup>48</sup> There was also an acceptance during evidence that in light of the number and breadth of submissions received by the Commission that despite improved response rates for the WfQ “there might be a cohort of people who ... might be deeply disappointed by the way the leadership has dealt with the issues of sexism and misogyny”,<sup>49</sup> and “the organisation as a whole does not know the full extent of this problem”.<sup>50</sup>

## WELL-BEING: PERCEPTIONS OF RITUALISM

Overall, factors categorised under *Safety, health and wellness* in the 2021 Highlights Report experienced a two-point reduction from 2020. The spread of the responses is important. The results reveal 47% of members recorded positive sentiment, while approximately one in four either recorded neutral sentiment (27%) or disagreed (25%).<sup>51</sup>

Annual results under this broad category as well as shifts in perceptions since 2020 characterise a workforce flagging significant individual and collective well-being challenges to the leadership. Importantly for leadership, members attribute these well-being concerns to organisational factors.

Statement	Agreed	Neutral	Disagreed	Change since 2020
My work has a negative impact on my health <sup>52</sup>	37%	28%	35%	-2
My work contributes positively to my quality of life <sup>53</sup>	36%	35%	29%	-1
In my organisation, senior leaders clearly consider the wellbeing of employees to be important <sup>54</sup>	37%	26%	37%	-4
The wellbeing of employees is a priority for my organisation <sup>55</sup>	36%	27%	37%	-4
Satisfaction with your work-life balance <sup>56</sup>	57%	21%	22%	-2
Satisfaction with your ability to ‘make a difference’ to the community <sup>57</sup>	57%	25%	18%	-1

Table E: Indicators of well-being

Collectively, the WfQ results make an important contribution to understanding the perceptions of QPS membership about their workplaces and leadership, as well as their confidence in organisational systems and processes. The 2021 findings and analyses of shifts in perceptions reinforce that the membership is particularly responsive to the actions and inactions of its leadership and how authentic they perceive their leadership are against the formal strategies, documents, and messaging they release.

The Police Commissioner confirmed that WfQ results were being considered by the executive:<sup>58</sup>

**“it was uncomfortable, and never in the QPS history have we - prior to that have we bought all the data in front of the executive leadership team to look at what was happening across the organisation. So with that in the CCE, the Communications, Culture and Engagement Command, there is a proactive mechanism that we then in my Commissioner’s performance review - and that I also introduced when I came into the QPS - we look at areas of concern and then proactively send people out to look at those areas of concern and then also use the WAST system for people to come to them to complain about issues.”**

Senior QPS leadership will be continued to be judged on its actions in response to WfQ results, particularly as it promotes its completion in the first place. The 2022 results will be released after this Commission publishes its findings. However, based on the 2021 results and shifts over time, QPS respondents have signaled clear concerns and practical challenges, and frustration with managerial and blanket reform driven from the south-east corner. The membership is calling instead for a clear direction set and reinforced by visible leaders who role model those attributes it claims is the standard for its broader membership.<sup>59</sup>

**“Policing is a great job – interesting with chances to make a real difference. I would not advise someone to join now as the current Executive team have been very effective in demoralizing the workforce through threats of discipline over pretty much everything. I would wait for a change of Commissioner as this one seems intent on being a political puppet rather than supporting her own staff. They also do not seem to understand one size does NOT fit all - constantly trying to push ideas that may work in cities into regional areas where the job is different (I would highly advise someone to get as far from City policing as possible although the QPS seems intent in [sic] ruining country Policing as well).”**

## QPS DFV-Q: A DISCONNECTED MEMBERSHIP AND CYNICISM ABOUT LEADERSHIP <sup>60</sup>

**“Police [need to] take more responsibility in doing what is expected of them. This comes from the leaders who, like some of the staff, show a lack of commitment to get the job done.” <sup>61</sup>**

The combined QPS DFV-Q survey results depict a membership confident in their practice knowledge and technical skills yet disillusioned with leadership’s investment and commitment to policing domestic and family violence; organisational arrangements designed to support them; and public representation of their efforts.



The Nous Group undertook an independent analysis of the results on behalf of the Commission, identifying 12 key themes from the 2022 survey.<sup>62</sup> These are reproduced below supported by direct participant quotes the Nous Group assessed as reflective of each theme (with additional participant quotes included within the Commission's companion report, *Beyond the Call for Change* (2021).

Theme	Description	Example
1	Frontline officers are feeling pressure and scrutiny from the growing focus placed on DFV and QPS	"Back your staff, police especially frontline police are publicly ridiculed and used as the public forum punching bags too often. Frontline police feel they have no support from senior officers and are hung out to dry all too often for any mistake." <sup>63</sup>
2	QPS members don't feel they have the capacity or resources to meet the increasing demands for service	"When you are time and resource poor, you do a much less thorough job. The increased demand and inadequate resources makes our front line police time poor and stretched and under the increased demand pressure to keep going to the next urgent job. This creates an operating environment where shortcuts, rushing or inattention to detail will occur." <sup>64</sup>
3	Members are attributing their work on DFV as contributing to burn out	"Too much pressure on police to be perfect. We will never be perfect. Its [sic] unfair and we are burnt out dealing with this issue!" <sup>65</sup>
4	There is a desire and readiness to develop a more effective police response to DFV	"At present GD crews are doing their very best to respond to DV incidents in a timely manner. I believe the culture of DV has changed over the 20 plus years I've been an operational officer and all aggrieved are listened to and taken seriously."
5	QPS' stated level of importance of DFV isn't reinforced by supportive actions and organisational arrangements	"If Police are looking to get a promotion or are writing their resume generally DV jobs are not the ones you are looking to put in your resume. How about we put a little bit more emphasis on DV jobs and applications as being important in Police job applications/resumes and then you might get officers more interested in actually attending these jobs and doing them well."
6	Members have confidence in their own knowledge to deal with DFV matters effectively, and a desire to continue to learn	"Vulnerable persons training and personnel including support services offers options for attending police. I feel there is sufficient training for officers who work in this area to manage DV. I feel biases of police officers towards DV and vulnerable victims has diminished due to this training." <sup>66</sup>
7	QPS efforts to support members in their DFV work have not always realised intended benefits	"OLPs [Online Learning Products] do not cut the mustard. I have spoken to many officers who've reported not getting any learning experiences out of OLPs." <sup>67</sup>
8	Defining why DFV is a priority for policing is required to help members better appreciate their roles and processes	"It's getting too confusing with all the terms and now Police are becoming quasi social workers and psychologists. On top of dealing with mental health call outs Police are not dealing with crime but social issues." <sup>68</sup>
9	Good work in DFV delivers different outcomes which are not recognised and regarded as much as other police priorities	"Although police attend and conduct the necessary DFV investigations, resulting in whatever outcome, if the aggrieved does not want to make a complaint which is probably 95% of the time due to the conflicting nature with the respondent, he will not be criminally charged on this occasion." <sup>69</sup>
10	There is a need for strong messaging, transparent communication, and follow-through from leaders	"Senior managers continuously throwing junior officers under the bus when a DV complaint is made. This is totally counter productive. DV complaints will happen..... This is the nature of the job. There's no need to throw junior officers under the bus all the time." <sup>70</sup>
11	Members would value closer relationships with partners and services (especially after hours)	"QPS is the only agency responding 24/7 and the support that is required is not available after hours from housing to assisting with children involved. Every agency is the first to criticise and point the blame at the QPS but the QPS is doing the best it can in what feels like a losing battle." <sup>71</sup>
12	There is a greater need for practical and timely advice and support from those with specialist DFV knowledge	"I would suggest that given there is a unit in CIB specifically for investigating property crime there should probably be a similar unit for DV matters that enter into the more serious realms of stalking, financial abuse and assaults. One or two DVLO's in an area isn't nearly enough." <sup>72</sup>

Table F: DFV-Q Themes.

The Nous Group also identified themes, 13 in total, from the 2018 survey responses.<sup>73</sup> Differences are evident between the 2022 and 2018 themes, particularly improvements in knowledge and practice confidence over the two-year intervening period. The QPS advised the Commission it initiated specific strategies to build knowledge and procedural awareness as well as 'embed cultural enhancement initiatives' in response to the 2018 survey results.<sup>74</sup> The Commission also noted the 2022 survey revealed organisational opportunities associated with the membership's receptiveness to build better relationships with linked agencies and stronger responses to domestic and family violence.<sup>75</sup>

However, the Nous Group's 2022 thematic assessment exposes at least six persistent concerns stemming from a failure of QPS leadership to invest in addressing the repeated deficiencies and challenges self-reported by its membership. The six persistent concerns the Commission contends reflect QPS leadership failures are categorised as:

**1 AN ENDURING LIMITED APPRECIATION OF THE CRITICAL ROLE INDIVIDUAL POLICE RESPONSES MAKE TO VICTIM SAFETY AND HOLDING PERPETRATORS ACCOUNTABLE.**

2018 Theme 4	2022 Theme 8
It appears difficult for front-line officers to feel like their actions make a difference in reducing DFV	Defining why DFV is a priority for policing is required to help members better appreciate their roles and processes
“Then every DV we go to is so heavily scrutinised for something that is never clear. Both parties are normally always lying. The agg [aggrieved] never does anything to help herself and then we just keep going back.” <sup>76</sup>	“There are overly complicated processes to get people to court, however obviously the outcomes rest with the magistrate. There is no guarantee that high risk DV offender will abide by a piece of paper. There is no evidence to suggest police are reducing DV matters at all.” <sup>77</sup>

**2 PERSISTENT PERCEPTIONS THAT POLICING DOMESTIC AND FAMILY VIOLENCE DISTRACTS POLICE FROM RESPONDING TO OTHER POLICING ISSUES.**

2018 Theme 12	2022 Theme 8
While QPS members report understanding the value of completing paperwork, it is still not seen that attending and managing DFV issues is a good use of policing time.	Defining why DFV is a priority for policing is required to help members better appreciate their roles and processes
“Its [sic] time consuming and pulls us away from other important jobs.” <sup>78</sup>	“It is taking time away from reducing crime (traffic, criminal).” <sup>79</sup>

**3 CONSISTENT REFLECTIONS BY MEMBERS THAT THEIR INDIVIDUAL AND COLLECTIVE EFFORTS GO UNRECOGNISED AND ARE OFTEN CRITICISED.**

2018 Theme 13	2022 Theme 9
Recognition of effective policing of DFV matters could be more focused and overt	Good work in DFV delivers different outcomes which are not recognised and regarded as much as other police priorities.
“When was the last time a commissioned officer fronted the media and said ‘my officers did everything possible to assist the aggrieved.’” <sup>80</sup>	“The great work done by the QPS can be negated by media highlighting failures. The great work done is then lost and it appears the QPS is willing to roll over to the media and not stand up for the troops actually attending the jobs and who have been doing a great job in this space for a very long time. This is making your workforce feel unappreciated when we have been doing the hard yards for years.” <sup>81</sup>

**4 ORGANISATIONAL INTENTIONS DESIGNED TO SUPPORT POLICE TO RESPOND TO DOMESTIC AND FAMILY VIOLENCE HAVE NOT REALISED ACTUAL IMPROVEMENTS.**

2018 Theme 9	2022 Theme 7
More remote regions seen to have less available access to DFV support and resources, both from within the QPS and with other agencies.	QPS efforts to support members in their DFV work have not always realised intended benefits.
“S/Sgt’s to approve ouster/no contact conditions out of hours might be fine in Brisbane and major centres but totally impractical outside these areas.” <sup>82</sup>	“Education of the leadership at the highest level is urgent. Some of the current ‘others’ really do not care less, and reflected this personally to me, for example that the whole concept of a DV Unit was a waste of time and that it was only for officers who wanted to ‘hide’ from real police work. When senior officers are actually saying this out loud, we have a problem.” <sup>83</sup>

**5 IDENTIFIABLE COHORTS ACROSS THE MEMBERSHIP SELF-REPORT CONSISTENTLY HIGHER CHALLENGES AND CONCERNS.**

2018 Theme 6 and 7	2022 Theme 3
Senior Sergeants may not be receiving the support they require from their leaders to effectively set the desired culture in their operational areas.  Senior Constables (particularly those who have spent a long time in their role) may not be receiving the support they need to effectively manage DFV matters.	Members are attributing their work on DFV as contributing to burn out (especially Constables and Senior Constables).
“I can’t provide the ‘right’ environment for officers to police DV as it is simply just another one of the plethora of jobs they have to deal with... You also ask if I as a supervisor praise my staff for doing a DV job well -that is their job, just like a break and enter or a stabbing or whatever. Knock over the DV job properly and move on to the next one.” <sup>84</sup>	“Officers are completely burnt out and now are so desensitised to DV it is only investigated properly out of fear for their job.” <sup>86</sup>
“The way the legislation is set out is not clear and concise which is confusing for front-line officers.” <sup>85</sup>	2022 Survey responses indicated 77.5% of constables and 68.7% of senior constables recorded the highest agreement with the statement: I feel burnt out by the amount of DFV calls for service I am required to attend compared to the overall agreement rating of 52.7%. <sup>87</sup>

## 6 LEADERSHIP MESSAGING ABOUT DOMESTIC AND FAMILY VIOLENCE IS INCONSISTENT AND FAILS TO REACH OR IMPACT ACROSS ALL LEVELS OF THE MEMBERSHIP, CREATING CONFUSION AND CYNICISM.

2018 Theme 5	2022 Theme 10
Key messaging and role modelling around DFV may not be flowing down from commissioned officers to front-line officers.	There is a need for strong messaging, transparent communication, and follow-through from leaders.
“QPS leaders might say they are committed to improving QPS responses in this area but they are not listening to front-line officers who are inundated with competing priorities and under so much stress to manage calls for service.” <sup>88</sup>	<p>“There seems this unrealistic expectation from senior leaders above station level that a DV incident including completing any relevant paperwork can be knocked over rather quickly. This is not the case. GDs are scrutinised over all paperwork yet GDs are time poor and have the constant pressure to get back out on the road. Senior leaders show zero support for GDs who are dealing with DVs day in and day out, only criticism.”<sup>89</sup></p> <p>Over 1 in 2 members (55.9%) reported that senior leaders send a positive message about the importance of eliminating DFV across QLD. However, close to 1 in 4 (23.5%) were unsure and a further 17.1% disagreed that they receive this positive messaging.”<sup>90</sup></p>

The Nous Group provided the Commission with a new analysis of the 2022 survey results. This analysis revealed the five questions most positively rated and the five most negatively rated from the survey.<sup>91</sup>

The top five positive responses relate to participant perceptions about their level of technical proficiency to apply legislation, undertake computer checks and complete requisite paperwork as well as their empathy and understanding of the vulnerability of identifiable groups: “all centre on QPS members’ knowledge, skills and confidence regarding managing DFV matters”.<sup>92</sup>

These positive response categories, including a question about receiving sufficient training over the past two years (Q7) also represent the greatest increases in positive sentiment since 2018. Collectively, these results support QPS advice to the Commission that it has focused on technical skills since 2018.

The top five negative sentiments echo previous concerns raised and communicated to the QPS in 2018. These relate to issues within the direct purview of organisational leadership, for example, the allocation of resources and personnel, acknowledgement of the work of police and clarification of the roles and responsibilities of police and other stakeholders: “the items ... focus on the organisational and external pressures felt by police and the role of police in responding to DFV matters”.<sup>93</sup>

These negative response categories, including an additional area related to member perceptions about the ease of accessing specialist support (Q13 and Q12) also recorded the greatest increase in negative sentiment since 2018. The Commission reasserts these negative assessments previously highlighted in 2018 reflect areas which leadership holds a capacity to influence or change.

Closer scrutiny of the combined survey results provides practical evidence to confirm three key findings presented to the Commission via other means, including interviews, survey responses, evidence and submissions:<sup>94</sup>

1. Leadership represents a pervasive and quantifiable influence on policing domestic and family violence and culture by shaping membership’s experiences, perceptions and attitudes through direct and indirect action and inaction.
2. Key middle management and operational positions that guide and deliver policing responses to domestic and family violence are self-reporting they feel pressured and unsupported.

3. Members feel disconnected and vulnerable, feeling under attack from the community they serve and abandoned by organisational leadership.

Each of these three critical areas are discussed in detail below with reference to the combined survey results.

### LEADERSHIP COMMITMENT: THE KEY CULTURAL LEVER

**“So, the QPS is going to eliminate DV in Qld!!! What a bold and totally unrealistic expectation. I thought our senior management were out of touch with reality but this statement says it all. Are the QPS also going to stop murders, assaults, robberies, road rage and criminals in general???? Senior management need to stop trying to appease the media and politicians who dream of a perfect society. Can someone in senior management grow some balls and say it how it is, instead of being politically correct? DV will never be eliminated so long as humans have emotions such as anger, hate and spite! Instead of formulating completely unrealistic goals, how about we change the way we handle DV. As above, no more dv detentions or apps. Like in America, if Police attend a DV incident the offending party is arrested for domestic battery and remains in custody until they face a judge the following day to deal with the matter. No more DV apps, DV orders to serve, statements of service...bla bla bla, the list goes on. The ship is sinking and the QPS are trying to stop the inevitable. It seems the QPS are trying to combat this issue on the run and implement anything that sounds good but makes no operational sense. Surely there’s a police force in the world that has a better and more effective system than ours????”<sup>95</sup>**

The Nous Group identified in its analysis:<sup>96</sup>

**“[t]here is a sense that leaders could more actively communicate outcomes and actions QPS is taking to address members’ concerns. This demonstration of follow-through will help to motivate the broader workforce. There appears to be a sense of messaging fatigue and cynicism towards assurances around improvements.”**

More than one in two members (55.9%) reported that senior leaders send a positive message about the importance of eliminating DFV across QLD. However, close to one in four (23.5%) were unsure and a further 17.1% disagreed that they receive this positive messaging.<sup>97</sup>

The Commission has assessed that many of the issues raised across both surveys are symptomatic of a broader problem with leadership in the QPS, namely its failure to:

- invest in the necessary mechanisms to support policing responses
- hear the (repeated) concerns of its membership about the challenges they face when delivering policing responses
- articulate its priorities for policing domestic and family violence
- advocate across linked agencies to enhance cooperative arrangements for police when responding to domestic and family violence.

At a structural level, the QPS membership has clearly signalled these failures to its leadership, expressing dissatisfaction with how it has built the organisation's capability and capacity to respond to domestic and family violence. The Commission formed this position after examining the QPS DFV-Q 2018 survey analysis provided to the QPS. The 2022 survey confirmed this position.

The 2018 analysis revealed both a level of frustration with how the QPS had, at that time, allocated resourcing to support policing responses to domestic and family violence: *QPS members across the operational regions feel like DFV resources are not currently organised in a way that supports the most effective front-line DFV response;* and a degree of optimism about the potential for specialist resources to build individual and collective capability and capacity: *QPS members across the operational regions are looking to capitalise on DFV expertise from QPS members with specialist DFV knowledge.*<sup>98</sup> QPS DFV-Q 2018 survey respondents requested more access to these specialists: "More DVLO's in districts to offer assistance, with a consideration to even covering 16 hr shifts."<sup>99</sup>

Despite initiating the 2018 survey to seek membership views to inform its reform agenda,<sup>100</sup> the QPS failed to act on this critical feedback. Leadership's failure to heed these 2018 concerns and support those who translate their priorities into practice resulted in 2022 reports of disconnection from the strategic direction, burnout and cynicism about the organisation: "[f]or Senior Leadership, including the Commissioner, to state our goal is to 'eliminate DFV' sounds juvenile and impossible".<sup>101</sup>

The 2022 results repeated membership criticism about organisational resourcing decisions with "4 in 5 (79.4%) respondents reporting the balance of resources is not working well".<sup>102</sup> Responses to Question 12: *DFVCs and DVLOs provide guidance and influence my work in responding to DFV*, depict a deterioration in membership sentiments, with negative responses increasing from 26.8% in 2018 to 43.1% in 2022.<sup>103</sup>

Deterioration in sentiment is widespread as five out of the seven regions recorded negative responses at or above 50% (the regional average for 2022 was 53.9% as compared to 31.0% in 2018). The potential implications for police service delivery is also apparent. The proportion of general duties officers who disagreed with the statement increased 28.1% from 31.2% in 2018 to 59.3%, while Inspectors who are less involved in delivering policing services were most likely to agree that DFVCs and DVLOs influence their work (45.2%).<sup>104</sup> This difference also reinforces membership free-text responses that senior leaders are disconnected from the operational realities of policing domestic and family violence:

**"There needs to be more accountability of DVLOS, More support for DFVCs who are often pulled from different directions from district line managers and further, there needs to be more support for support agencies.**

**Senior officers / Leaders need to identify when their staff are not managing and burnt out and there needs to be face to face learning opportunities for staff".**<sup>105</sup>

**"One or two DVLO's in an area isn't nearly enough. To make an example, have a look at the size of our traffic branch then consider that at the more serious end of the spectrum DV results in quite serious criminal offences being committed with victims and witnesses suffering a unique set of pressures. Why do we not have that many officers dedicated to dealing with a problem that takes up a far more significant percentage of time and can lead to extremely serious consequences?"**<sup>106</sup>

Concerns about the limited organisational commitment given to the specialist resources the leadership publicised would assist policing responses were also evident:

**"When I agreed to take on the DVLO role I was shocked that there is no standardised training that all DVLOs undertake, and the haphazard approach to district running of this highly important ant [sic] government and QPS priority left me stunned."**<sup>107</sup>

**"The DFV command need more staff and resources to do the job well."**<sup>108</sup>

**"DVLO's/VPU's are far removed from the every day responses to DV."**<sup>109</sup>

**"The VPU is creating more work for general duties, not relieving pressure or providing support. The VPU should be INVESTIGATING and ACTIONING DV matters, not initiating contact and then passing the work down to generals."**<sup>110</sup>

The Commission appreciates that despite leadership failing to act on the 2018 feedback, the QPS membership continued to express positivity for improvement in the 2022 survey, providing clear messaging about what is needed to enhance outcomes for Queenslanders:

**"More training including ongoing regular training to all officers and staff involved in DFV. NOT JUST OLP's. More responsibility and onus on agencies to do what they can in DFV situations. QPS to appreciate and retain staff/officers in specialist [DFV] roles."**<sup>111</sup>

**"Management to follow up on concerns raised and take action higher up the chain when teams/individuals are struggling with workload or have HR issues/MH concerns etc. Multi-agency hubs."**<sup>112</sup>

The 2022 survey results suggest that QPS members see the benefit of 24/7 support services, with two in three (67.1%) agreeing or strongly agreeing that this level of service will improve outcomes for those involved in domestic and family violence. This positive sentiment was higher for general duties officers (68.2%) and those who occupy specialist positions (78.0%).<sup>113</sup>

Further, respondents acknowledged the importance of engaging with other agencies across the domestic and family violence response ecosystem as particularly important for protecting victims, victim-survivors and impacted third parties such as children as well as holding perpetrators to account:

**"Other government agencies really need to move to a 24/7 model and undertake the roles and responsibilities needed to support both aggrieved and respondent persons. Police are trying to do all of these roles and are overwhelmed, burning out and desperate for change. They are so swamped with DFV related jobs we are failing people unintentionally."**<sup>114</sup>



**“More assistance from support agencies to assist in managing aggrieveds, particularly when they become hostile and unwilling to cooperate with Police. This does not mean exerting any sort of pressure to cooperate but rather provide more concentrated ongoing support in relation to recognising their status as an aggrieved and utilising support services to exit relationships that perpetuate domestic violence and victimisation”.**<sup>115</sup>

The Commission highlights this positivity for the QPS leadership as acting on repeated requests to advocate for assistance for their membership across the linked service sectors is within their responsibility.

The 2018 and 2022 survey results provide a clear indication that QPS leadership has not authentically delivered on its intentions to support the membership apart from a focus on technical skills development.

The identifiable difference between what the QPS proposed and the lived experience of those who deliver policing responses to domestic and family violence has culminated in a culture of resentment and cynicism towards the organisation and its leadership:

**“There is a massive disconnect between senior management and what is actually occurring.”**<sup>116</sup>

## MIDDLE MANAGEMENT: DISILLUSIONED INFLUENCERS

**“Red tape is rather high. I can arrest, charge, deprive someone of their liberties but to tell some bloke to stop bashing his missus I need a sergeant’s authorisation. The sergeants and senior sergeants deal with so many PPN requests their approval is almost automatic and so largely redundant. It take [sic] time from the crews and creates interruptions for the senior officers dealing with phone calls.”**<sup>117</sup>

The Commission has been told that certain ranks are particularly influential in shaping how policing services are delivered at a local level.<sup>118</sup> These ranks are constables (with extended tenure), senior constables, sergeants, and senior sergeants. These positions formally and informally guide and deliver policing services directly to Queensland communities. The Commission has also been told these ranks assume critical roles for translating organisational priorities set by senior leaders into practice in the field.<sup>119</sup>

The surveys reveal that these ranks accepted as critical to the field report lower levels of confidence in their skills and knowledge than those they supervise<sup>120</sup> as well as greater scepticism<sup>121</sup> about their capacity to reduce domestic and family violence. Even those members who occupy specialist domestic and family violence roles recorded a deterioration in their belief that what they do in their roles makes a difference in reducing associated harms (from 80.4% in 2018 to 70.7% in 2022).<sup>122</sup>

The 2022 survey revealed nine in ten (90.3%) respondents agreed that pressures on police who respond to domestic and family violence were increasing. However, constables (96.5%), senior constables (93.2%), sergeants (94.5%) and senior sergeants (95.1%) recorded perceptions about increasing pressures above this average response:

**“I see the weight of front line police’s increasing DV responsibilities eroding their mental health, faith in the QPS executive and dedication to duty. Our workload in the DV space is always increasing, however the frontline police I work with have always dove head on into the challenges in their own unique way. The reason everything**

**falls to the grunts in general duties is because we make it work because no one else will step up. This is what is truly working well, frontline police are always trying to work with what we are given, which is always the barest minimum of support from the QPS as an organisation.”**<sup>123</sup>

Senior leaders who are not as directly exposed to these pressures recorded responses comparative to the average response (90.6% of commissioned officers and 89.3% of inspectors):

**“There seems this unrealistic expectation from senior leaders above station level that a DV incident including completing any relevant paperwork can be knocked over rather quickly. This is not the case. GDs are scrutinised over all paperwork yet GDs are time poor and have the constant pressure to get back out on the road. Senior leaders show zero support for GDs who are dealing with DVs day in and day out, only criticism.”**<sup>124</sup>

These field-critical roles record greater disagreement than those they manage<sup>125</sup> with the statement: *My colleagues take the time to analyse the underlying issues of the DFV incident to take a holistic view*,<sup>126</sup> with respondents identifying this as an area of stress and in need of improvement:

**“Providing basic protection to victims of domestic violence is an extremely complex process. These processes take a considerable amount of time tying up crews who are constantly pushed by communications to attend the next DV”.**<sup>127</sup>

**“Do you have all day? This is obviously a challenging one. We have an environment where officers get frustrated. Frustrated that the aggrieved might stay in the relationship and to many officers that just means work for them (as they simply do not get it). Frustrated that she stays and gets hurt again and yet fights the police when they intervene. Again they just don’t get it so they think why bother helping her if she doesn’t help herself. Frustrated that the job takes time and yet the pressures are still there to hurry up and get it done and get to the next job. We have a terrible culture of forcing officers to get to the next job rather than doing one at a time well. DV is no different. I’m not sure that many police will change and understand root causes of DV nor why victims stay or any of the other risks when the pressures remain and dinosaurs in the job teach others to become dinosaurs so to speak. DV is not sexy until it becomes a homicide. That sounds awful but a DV is general duties rubbish and a homicide is detective work. We need a holistic response but we need to educate everyone differently at the start and then try to weed out the negative supervisors who do not provide support to their officers to deal with DV efficiently and effectively”.**<sup>128</sup>

**“I think there is also a culture problem of police wanting to ‘cover their asses’ and applying for orders when it’s really not warranted. Everyone is scared of getting crucified for not doing enough if an aggrieved turns up dead, but this leads to DV orders being applied for in situations where it doesn’t need to happen and where it causes more harm than good.”**<sup>129</sup>

**“I often feel disheartened to see messages from the referral system saying that referral services have been unable to contact involved parties and therefore no further follow up will be conducted”.**<sup>130</sup>

The 2022 survey also revealed that confidence in managing and responding to domestic and family violence matters effectively reduced as tenure (time as a police officer) increased. Field management positions of senior sergeants



(53.9%), sergeants (53.5%), senior constables (57.8%), recorded less confidence in their ability to manage and respond to domestic and family violence matters effectively than those they manage including constables (70.8%) and first-year constables (75.1%).

The Commission contends that these survey results describe an operational policing context that is concerning for the QPS and its capacity and capability to effectively respond to domestic and family violence calls for service, particularly when considered in conjunction with the responses below.

In response to: Question 3 *I feel confident in my knowledge of legislation, powers, policies and procedures relating to DFV:* <sup>131</sup>

- Overall improvements were recorded from 67.0% feeling confident in 2022 as compared to 52.8% in 2018, although inconsistent responses are identifiable across groups within the membership.
- Positive sentiment indicating 'confidence' reduced as tenure (time as a police officer) increased.
- Positive sentiment also reduced as rank increased with senior constables, sergeants, and senior sergeants self-reporting lower confidence than constables and first year constables.

Question 5: *I have the skills and knowledge to deal with DFV matters effectively* <sup>132</sup>

- Overall improvements were recorded since 2018, although inconsistent responses are identifiable across groups of the membership.
- Positive sentiment reduced as rank increased, as it did in 2018.
- In response to the related Question 7: *I have received sufficient training on procedures related to DFV in the last 2 years*, 43.3% of senior constables disagreed compared to 35.4% overall, a situation comparable to 2018 (45.4%).
- Constables, senior constables, sergeants, and senior sergeants all recorded higher than average requests for additional training in areas critical for effective field practice such as: completing affidavits; DFV paperwork and procedures; DFV policy and legislation; standards of proof; and the protective assessment framework.

Question 6: *Those around me have the skills and knowledge to deal with DFV matters effectively* <sup>133</sup>

- Overall both slight increases and decreases in sentiment were noted since 2018 (overall reductions were recorded in the neutral response category).
- Senior constables recorded the highest proportion of negative responses (19.0%) as compared to the broader membership (10.3%).

The surveys also map significant growth in disillusionment among the QPS membership about organisational resourcing decisions, with negative sentiment increasing from 39.4% in 2018 to 61.1% in 2022 in response to Question 11: *QPS has appropriately balanced its resources and personnel to respond to DFV matters.* <sup>134</sup>

Positions delivering policing services to Queensland's communities as well as those occupying specialist domestic and family violence positions recorded the highest levels of disagreement with Question 11, well above the elevated average response (61.1%). For example, 73.9% of general duties officers (a 17.5% increase from 2018) and

85.4% of specialist domestic and family violence positions (a 20.2% increase from 2018) disagreed that the QPS had appropriately balanced its resources and personnel: "More resources need to be allocated specifically for DV first response and initial investigation. First response officers (general duties) simply do not have the time to increase their workload in investigating DV without more officers to do this". <sup>135</sup>

Critical field positions also recorded higher than average disagreement with Question 11: senior constables (73.3%); sergeants (67.1%); and constables (66.9%).

In a related question, *I feel overwhelmed when working out what action to take on DFV calls for service because the matters are so complex* (Question 9), <sup>136</sup> general duties officers (43.2%) and senior constables (42.9%) self-reported the highest positive response, meaning they felt more overwhelmed than the broader membership (34.6%).

Collectively the responses from these field-critical ranks to the surveys as well as associated changes over time reinforce the Commission's concerns for the QPS and its efforts to deliver effective responses to domestic and family violence.

These findings reflect a broader issue of concern for the QPS, its membership, and Queenslanders who call police for assistance in response to domestic and family violence. That is, the failure of its leadership to address the findings of the 2018 survey has perpetuated disproportionate impacts for ranks critical to delivering and guiding policing responses to domestic and family violence. Actions the QPS initiated following the 2018 survey appear to have been generically applied across the organisation. This universal, 'one approach fits all' approach failed to recognise identifiable differences highlighted by the 2018 survey, including specific needs and requests for support by those ranks critical to how policing services are delivered to the people of Queensland.

## DISCONNECTED MEMBERSHIP: PERCEPTIONS OF WIDESPREAD CRITICISM AND ISOLATION

**"The QPS have created a convoluted DV system that places all the risk onto the overworked, time poor and undertrained general duties officer. Senior management pretend that they have an understanding of how to respond to a DV job, however they are so far removed that they do not have the first clue. Commissioned officers have no idea of the time consuming processes and paperwork that is required, especially when matters go to full brief. The QPS can't even respond adequately to protect their own employees from DV, Commissioned officers just want nothing to do with any risk and are quite happy to blame and punish junior staff who make mistakes."** <sup>137</sup>

The Commission is concerned about survey findings indicating a perception that the community and organisational leadership does not support police efforts:

**"The ongoing criticism of how we handle DV is causing morale to plummet as front line police feel the senior management are not supporting them"** <sup>138</sup>

**"Engaging with the community to have support for officers as it appears management don't support them"**

**"Police officers are doing everything we can, however receive no praise only all of the blame when something goes wrong"** <sup>139</sup>

**“More praise when officers do good work at DV incidents as it seems good work goes un-noticed but mistakes are heavily scrutinised”.<sup>140</sup>**

The potential for such perceptions to derail efforts to build and sustain efficacy in policing responses to domestic and family violence is significant.

This conclusion is reinforced by the responses to Question 30: *Mistakes made in DFV matters are treated as learning opportunities* in 2018, 2022 and changes over time.<sup>141</sup> While the rate of agreement was consistent from 2018 (28.8%) to 2022 (25.0%), disagreement rates rose from a one in four (26.1%) in 2018 to two in five (39.4%) in 2022. Almost half general duties officers (48.4%) disagreed while only 26.2% agreed that mistakes are treated as opportunities. The highest levels of disagreement were recorded for senior constables (50.3%), constables (46.4%) and sergeants (41.3%) all self-reporting rates above the average (39.4%).

While the membership acknowledges that the QPS values effective responses to domestic and family violence (61.4% in 2018 and 64.1% in 2022), negative sentiment increased in 2022 (from 11.0% in 2018 to 14.7%). Additionally, this global appreciation does not appear to have translated into individual level recognition. The 2022 survey reflective of the 2018 results revealed 29.0% of the membership agreed that their supervisor praised good work in response to domestic and family violence matters, while 25.2% disagreed that good work was acknowledged by their supervisor and the remaining 26.1% recorded a neutral response:

**“It is uncommon to get any praise for ‘doing your job’ from superiors re dv, or any for that matter simply adding to the burnout of doing DV everyday.”<sup>143</sup>**

Constables (35.2%) and senior constables (36.8%) recorded above average negative responses to this question.

Feeling unappreciated extended to the community. In response to Question 32: *The community understands and appreciates the work police officers do in responding to DFV*, 59.8% of the membership felt the community does not understand or appreciate the work of police in responding to domestic and family violence. Constables (71.3%), senior constables (68.2%) and general duties officers (68.6%) more broadly disagreed at rates much greater than the average:<sup>144</sup>

**“Support from the community and magistrates would be nice. It feels like I’m am [sic] leaning more toward taking out an order to protect my employment rather than protect the aggrieved”.<sup>145</sup>**

**“Its [sic] difficult to answer what’s going well, because the constant narrative, from media, the community and supervisors, is about what is not being done well. I still believe that most Police turn up to DV jobs to do their best, but quite clearly are not meeting the expectations of the aforementioned parties”.<sup>146</sup>**

The QPS requested an additional question for the 2022 survey, asking members to respond to the statement: *I have received favourable comments from the community for my responses to DFV* (Question 33). This received a mixed response with 30.2% disagreeing with the statement, 25.0% agreeing and a further 23.3% remaining neutral. However, 42.8% of general duties, 46.6% of constables and 37.4% of senior constables all reported higher levels of disagreement:

**“QPS need to educate the public/community on our side of DV (also realistic expectations).”<sup>147</sup>**

The Commission contends the QPS leadership must immediately counter these perceptions using indicators which confirm that Queensland’s community supports its police, and has for some time, at levels above other Australian jurisdictions and the national average.<sup>148</sup> National-level reporting<sup>149</sup> confirms Queensland consistently records general community satisfaction levels with police above the national average (82.4% versus 80.7%). Those community members who have had contact with police over the previous 12 months also report satisfaction levels with police above the national average (82.5% versus 81.9%).

The 2018 and 2022 surveys reveal an additional area requiring immediate attention by the QPS given its relevance to delivering effective responses to domestic and family violence. Question 15: *Roles and responsibilities between QPS and other agencies/service providers are clear in responding to DFV* recorded greater disagreement in 2022 (54.4%) than 2018 (31.5%).<sup>150</sup> Of significance is the 10.1% reduction in those who responded in agreement across the two surveys (26.9% in 2018 to 16.8% in 2022). Urgency is emphasised as negative sentiment was noticeably higher in the general duties group (65.1%), constables (59.4%), senior constables (63.6%), sergeants (61.4%) and senior sergeants (57.2%) which deliver policing responses:<sup>151</sup>

**“Our role in DV should be to protect the aggrieved, attending jobs where we can separate the parties and take the ‘bad guy’ respondent away. Then both parties should be taken to separate location for DV experts, not police but psychologists or the like, can provide them the advice/guidance and paperwork required”**

**“Why does the QPS take on all responsibility for matters that are cultural and often fall outside the scope of our responsibility. We are trying to do too much and be across too much, agreed we have fallen short in some areas but why is it just us at fault?”**

The QPS must not permit perceptions that Queensland’s community does not appreciate police responses to domestic and family violence, feelings of isolation and criticism from organisational leadership and confusion over the roles and responsibilities of the QPS and other agencies when responding to domestic and family violence to persist.

Failure to urgently address these issues will continue to undermine the efficacy of current and future responses to domestic and family violence, and risk any attempts at practice improvement to be viewed as a further demonstration of excess criticism.

# APPENDIX G

## A jurisdictional scan of complaints handling and discipline processes

	QLD	NSW	VIC	SA	TAS	WA	NT	ACT/ CTH	NEW ZEALAND	ENGLAND & WALES	SCOTLAND	NORTHERN IRELAND
INTEGRITY & OVERSIGHT MODELS												
Internal affairs	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Civilian review	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗
Civilian control	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✓
COMMISSIONER'S POWERS												
Power to suspend sanctions	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Loss-of-confidence dismissal	✗ <sup>152</sup>	✓ <sup>153</sup>	✗ <sup>154</sup>	✗ <sup>155</sup>	✗ <sup>156</sup>	✓ <sup>157</sup>	✓ <sup>158</sup>	✗ <sup>159</sup>	✗ <sup>160</sup>	✗	✗	✗ <sup>161</sup>
OVERSIGHT BODY FEATURES												
Use of seconded police from service investigated	✓	✗	✓	✓	✓	✓	✗	✓	✓	✗	✗	✗
Facilitates independent mediation	✗	✓	✓	✗	✗	✗	✓	✓	✓	✗	✗	✓
Is specific to law – enforcement & police	✗	✓	✗	✗	✗	✗	✗	✓	✓	✓	✓	✓

### A JURISDICTION-BY-JURISDICTION EXAMINATION OF AUSTRALIA'S POLICE INTEGRITY STRUCTURES

#### New South Wales

Complaints against members of the New South Wales Police Force (NSWPF) are overseen by the New South Wales Law Enforcement Conduct Commission (LECC). The LECC was established in 2017 following an independent Review of Police Oversight conducted by Andrew Tink AM.

The LECC functions as a permanent, independent investigative commission to oversee both the NSWPF and the New South Wales Crime Commission (NSWCC). The LECC is a hybrid of the Civilian Control and Civilian Review oversight models: whilst it is empowered to conduct independent investigations of allegations of 'serious misconduct', complaints that don't meet that threshold are referred to the NSWPF for internal handling with oversight and monitoring by the LECC.

The LECC can conduct several 'levels' of investigation. For example, in 2021, the LECC conducted 125 investigations of police, of which 47 were 'Preliminary Inquiries' only, 35 were 'Preliminary Investigations' and 43 were 'Full Investigations'. Following an investigation, the LECC may recommend that the New South Wales Director of Public Prosecutions' (NSWODPP) advice be sought on whether a criminal prosecution should be brought, or that disciplinary action taken by police. However, it is ultimately the decision of the NSWODPP and the NSWPF to commence criminal proceedings or disciplinary proceedings respectively.

In 2021, the LECC had a staff of 109, comprising both civilian and police investigators. The LECC has a policy that it does not employ serving or former NSWPF or NSWCC officers, and instead draws its police investigators from other Australian and international jurisdictions.

## A JURISDICTION-BY-JURISDICTION EXAMINATION OF AUSTRALIA'S POLICE INTEGRITY STRUCTURES

### Victoria

Complaints about Victoria Police (VICPOL) can be made to VICPOL's Professional Standards Command, the Independent Broad-based Anti-Corruption Commission (IBAC), or, where the complaint is about discrimination, the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) or the Australian Human Rights Commission (AHRC).

The IBAC is an independent agency tasked with preventing and investigating corruption within the public sector, and misconduct in VICPOL. IBAC has the power to receive, investigate, refer and oversee complaints relating to police misconduct, and to attempt to resolve complaints about VICPOL members by mediation or conciliation. However, in practice most police complaints are referred to VICPOL's Professional Standards Command for internal handling.

### South Australia

Prior to 2017, all complaints about police were handled by the South Australian Police Ombudsman. However, that office was abolished after the Independent Commissioner Against Corruption (ICAC) found there were too many agencies with overlapping powers.

Police complaints are now handled under a three-tier system:

1. Police complaints can be made directly to South Australia Police (SAPOL). SAPOL maintains an Internal Investigations Section (IIS) responsible for investigating and handling complaints. SAPOL is empowered to resolve complaints by conciliation or mediation.
2. Complaints about police are overseen by the Office for Public Integrity (OPI), an independent agency responsible for receiving, assessing and overseeing the handling of complaints about corruption, misconduct and maladministration. The OPI has the power to direct the IIS about how it investigates or handles a complaint.
3. Where a police complaint involves a particularly serious allegation of corruption, the OPI may refer the complaint to the ICAC for independent investigation. The ICAC employs seconded police officers, and handles only the most serious allegations of corruption, and otherwise focusses on reviewing and evaluating the policies, practices and procedures of public agencies with a view to preventing corruption. The ICAC is also responsible for publishing an annual report on disciplinary sanctions imposed in response to police complaints.

### Tasmania

Complaints about Tasmania Police can be made directly to police, to the Ombudsman, or to the Integrity Commission Tasmania (ICT). The Ombudsman has power to review only the administrative actions of public entities. The ICT, established in 2009, has a broader remit to prevent, monitor and investigate potential corruption within the public sector.

Complaints submitted to Tasmania Police are handled by the Professional Standards team in accordance with 'Abacus', the Tasmanian Police Commissioner's Directions for Conduct & Complaint Management and Compliance Review. Abacus is a comprehensive and publicly accessible guide to the Tasmania Police's code of conduct and complaints handling process. Under that guide, Tasmania Police may resolve complaints informally, including through conciliation conferences. Tasmania Police must notify the ICT of any matter involving reasonable suspicion of serious misconduct, or of any complaint of any type made against a commissioned officer. 'Serious misconduct' means conduct that could result in a public servant losing their job or being charged with a criminal offence.

When a complaint is made or referred to the ICT, it may decide to refer the complaint back to the agency from which the complaint originated for internal handling with oversight from the ICT, investigate the matter internally or take no further action.

## A JURISDICTION-BY-JURISDICTION EXAMINATION OF AUSTRALIA'S POLICE INTEGRITY STRUCTURES

### Western Australia

Complaints relating to the Western Australia Police Force (WAPF) can be made directly to the WAPF to be handled by its internal Police Conduct Investigation Unit (PCIU), or to the Western Australia Crime and Corruption Commission (WACCC), which investigates corruption across the Western Australian public sector, and assists the WAPF in combatting organised crime.

Complaints received by the WAPF about service delivery, or that do not involve a breach of discipline or misconduct, may be resolved informally by way of explanation. If a complaint relates to a more serious matter, it may proceed by way of formal investigation, which could result in one of four outcomes:

- sustained
- not sustained
- unfounded or
- exonerated (did occur but was justified/lawful).

A sustained complaint may lead to remedial management guidance under the WAPF Managerial Intervention Model, disciplinary action under the WAPD Regulations, a criminal charge, dismissal or other action as a result of the Police Commissioner's loss of confidence, or policy and procedural change.

All allegations of police misconduct about a sworn officer or staff member of the WAPF must be reported to the WACCC. In 2020/21, police complaints accounted for over half of all complaints received by the WACCC. The WACCC may determine that these complaints be handled by way of:

- investigation by the WACCC
- joint investigation by the WACCC and another agency
- referral back to the agency of origin to be handled with or without oversight from the WACCC or
- taking no further action.

The WACCC publishes reports on select investigations, as well as statistics on the complaints it receives and how they are handled.

### Northern Territory

Complaints about the Northern Territory Police Force (NTPF) can be made to the Northern Territory Police, Fire & Emergency Services' Professional Standards Command, or the Office of the Ombudsman. The Ombudsman and the NTPF must keep each other informed when a complaint is made to either entity. Depending upon the seriousness of the complaint, it may be handled by the NTPF or the Ombudsman.

Ordinarily, complaints to the Ombudsman must be made within 12 months of the conduct complained of. Further, the *Police Administration Act 1978* (NT) requires that any prosecution against a member of the NTPF for a breach of that Act must be commenced within two months of the incident complained of, and any action for breach of discipline must be commenced within six months of the incident complained of, unless approved by a magistrate.

### Australian Capital Territory (ACT) & Commonwealth

ACT Policing is a division of the Australian Federal Police (AFP). In the first instance, complaints about a member of ACT Policing or the AFP can be made to the AFP's Professional Standards division, which is responsible for internally investigating complaints. Minor complaints are delegated to managers within the workplace to be resolved, and more serious matters are investigated by the Professional Standards team. The Australian Commission for Law Enforcement Integrity (ACLEI) oversees the handling of all complaints.

The ACLEI is responsible for investigating allegations of corruption involving current and former staff members of specific federal departments, including the AFP, Australian Tax Office, Department of Home Affairs, Department of Agriculture, Fisheries and Forestry. It may decide to handle allegations of corruption in one of five ways:

- investigating the matter itself
- investigating the matter jointly with another agency
- referring the matter to another agency for internal investigation
- referring the matter to a third-party agency for investigation or
- taking no further action.

If a person is not satisfied with the way the AFP has handled their complaint, they may be able to refer the matter to the Commonwealth Ombudsman. The Commonwealth Ombudsman is responsible for overseeing a variety of industry sectors, public functions and federal government agencies, including private health insurance, the postal industry, the Defence Force and the AFP. The Commonwealth Ombudsman has jurisdiction to investigate the actions of AFP members, as well as to examine their policies, practices and procedures at the agency level.



## A JURISDICTION-BY-JURISDICTION EXAMINATION OF AUSTRALIA'S POLICE INTEGRITY STRUCTURES

### New Zealand

The Independent Police Conduct Authority (IPCA), established in 1989, is the single oversight body for New Zealand police. The IPCA receives complaints about New Zealand police and assesses whether to:

- investigate those complaints itself
- refer those complaints back to police for investigation by police with oversight from the IPCA
- attempt to facilitate an alternate dispute resolution of the complaint or
- decline to accept the complaint.

Generally, the IPCA only accepts complaints about matters that occurred within the previous 12 months. It also monitors conduct in police custody and in police cells or watchhouses as part of the New Zealand National Preventative Mechanism established to uphold the United Nations Optional Protocol to the Convention Against Torture.

The IPCA publishes comprehensive reports on its major investigations, statistical data about how it handles complaints and brief summaries of the outcomes of select investigations and facilitated resolutions. When an IPCA investigation identifies areas where police operations or policies could be improved, or undertakes a thematic review of systemic issues, it makes and publishes recommendations for change.

The IPCA is led by a judge appointed for a five year term, supported by an executive board and a management team. It also has two investigations teams comprised of both civilians and people with policing backgrounds, a case resolutions team which handles most of the complaints received each year, and a corporate team. In 2021, the IPCA received Crown funding of NZ\$5.7m.

### England and Wales

Most police complaints in England and Wales are handled internally by the region's 43 police forces, with review and oversight from the Independent Office for Police Conduct (IOPC).

The IOPC was established in 2018, replacing the former Independent Police Complaints Commission. It investigates the most serious complaints against police and oversees the handling of complaints against police in England and Wales by setting the policies and standards for internal complaints handling and reviewing select police complaint files. The IOPC also has the power to receive applications for review or appeal from complainants who are dissatisfied with the way police have handled their complaint.

There is no formal time limit for making a complaint against police, although some police forces decline to investigate complaints about events that happened more than 12 months ago.

The IOPC is led by a director-general, who must be a person who has never worked for police. Whilst that restriction is not placed on other members of the executive team, none of the current members have law enforcement backgrounds. The IOPC's staff includes former police officers and former police civilian staff. The proportion of ex-police to civilian staff is published annually. Between 2010 and 2021, the proportion of former officers has not exceeded 15% of the total workforce, and the proportion of former police civilian staff has not exceeded 13%.

The IOPC also publishes select investigation summaries and recommendations to improve police policy and procedures.

### Scotland

In Scotland, complaints about police can be made to the Scottish Police Authority (SPA) if the police officer complained about is of an executive-level rank, or to Police Scotland's Professional Standards department, if the police officer complained about is of any other rank. Complaints about criminal actions by police can be made to the Crown Office.

A person who is dissatisfied with the outcome of their complaint can apply for a review by the Police Investigations and Review Commissioner (PIRC), but this review does not extend to a re-investigation of the original complaint.

The PIRC can also investigate a limited range of matters referred to it by other government agencies such as the Crown Office, Procurator Fiscal Service and the Scottish Police Authority, including deaths in custody and allegations of misconduct by senior police officers above certain ranks. Police Scotland and the SPA are also required to notify the PIRC of particular types of matters, and the PIRC has discretion to decide to investigate those matters if it considers it in the public interest to do so.

The PIRC publishes summaries of the matters it reviews and the matters it investigates on its website.

The PIRC is led by a commissioner, who is currently a civilian with no policing background, assisted by a director of operations, who is a former senior detective inspector. Currently, over half of PIRC staff (and over 60% of the investigative teams) have a policing background either in Scottish or other UK police forces. The PIRC does not employ seconded police.

### Northern Ireland

The Office of the Police Ombudsman for Northern Ireland (PONI) was established in 1998 to address lingering public distrust of police arising from the Royal Ulster Constabulary's involvement in the civil conflict known as 'the Troubles.' Prior to that, police complaints were handled entirely by the police, with no independent oversight. Now, all public complaints about police – whether they relate to deaths in police operations, suspected corruption, a neglect of duty or an officer exhibiting rude behaviour during a callout – are submitted to the PONI to be independently handled.

The PONI handles complaints about a range of law-enforcement bodies, including the Police Service of Northern Ireland (PSNI), the Belfast Harbour Police, the National Crime Agency and the Ministry of Defence Police. On occasion, it also investigates Immigration Officers and Customs Officials.

PONI is primarily an investigative body which conducts both criminal and misconduct investigations and makes findings in both cases. Where PONI investigators determine that a matter could result in criminal prosecution, a report is furnished to the Northern Ireland Office of the Director of Public Prosecutions (DPP), which ultimately makes the decision to prosecute. Where PONI investigators determine that a complaint about a police officer may result in disciplinary action, investigators provide non-binding recommendations on appropriate sanctions or actions to the Chief Constable of the PSNI, who is responsible for enforcing discipline.

PONI reports on its activities to the Department of Justice and the Policing Board and publishes annual statistics and select case overviews. It also conducts surveys of complainants and police officers and publishes these findings.

Generally, PONI only accepts complaints that relate to conduct which occurred in the previous 12 months, but there are exceptions when the matter complained about is sufficiently serious.

PONI's 2019/20 annual budget was £9.863m, and it employed 144 staff. Its investigative teams are comprised of a mix of civilian and former police. PONI does not use seconded police, but its investigative teams do include individuals with law-enforcement backgrounds from other jurisdictions. The role of senior director of investigations has only ever been held by a former police officer.

# APPENDIX H

## Legislative amendments relevant to Part A and C of the Commission's terms of reference

DATE	LEGISLATIVE AMENDMENT
2015	<p>The <i>Criminal Law (Domestic Violence) Amendment Act 2015</i> (Qld) introduced the following amendments:</p> <ul style="list-style-type: none"> <li>enlarging the definition of special witness to automatically include a victim or alleged victim of domestic and family violence,<sup>162</sup> in order to reduce the trauma associated with giving evidence<sup>163</sup></li> <li>increasing maximum penalties for breaching a domestic and family violence protection order<sup>164</sup></li> <li>offences involving domestic and family violence to be recorded as domestic and family offences to clearly identify patterns of behaviour for police and the courts.<sup>165</sup></li> </ul>
2016	<p>The <i>Criminal Law (Domestic Violence) Amendment Act 2016</i> (Qld) introduced the following amendments:</p> <ul style="list-style-type: none"> <li>the creation of choking, suffocation, or strangulation in a domestic setting as a stand-alone offence<sup>166</sup></li> <li>requiring courts to treat domestic and family violence offences as an aggravating factor on sentencing for criminal offences.<sup>167</sup></li> </ul>
2017	<p>The <i>Domestic and Family Violence Protection and Other Legislation Amendment Act 2016</i> (Qld) introduced the following amendments:</p> <ul style="list-style-type: none"> <li>information sharing between police, medical practitioners and specialist services to support better risk assessment and management of serious domestic and family violence threats<sup>168</sup></li> <li>authorising police to make referrals to specialist domestic and family violence service providers without consent if they consider there is a threat to a person's life, health, or safety or domestic violence has been committed<sup>169</sup></li> <li>expanding the scope of police protection notices<sup>170</sup></li> <li>extending the minimum period of the operation of a domestic and family violence protection order to five years<sup>171</sup></li> <li>allowing interstate and New Zealand protection orders to be enforced in Queensland<sup>172</sup></li> <li>increasing the maximum penalties for breaches of police protection notices and release conditions<sup>173</sup>.</li> </ul>

# APPENDIX I

## Overrepresentation of First Nations peoples in the criminal justice system – a review of relevant reports, policies and legislative amendments

### RELEVANT REPORTS, AND KEY POLICY AND LEGISLATIVE AMENDMENTS RELEVANT TO PART B OF THE COMMISSION'S TERMS OF REFERENCE

YEAR	SUMMARY OF KEY FINDINGS AND RECOMMENDATIONS
FOUNDATIONAL REPORTS	
1991	<p><b>ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY</b></p> <p>The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) found high rates of Indigenous deaths in custody were due to the over-representation of Indigenous peoples in prisons and police custody and highlighted the need to address disadvantage and marginalisation experienced by First Nations peoples and communities. Many of the Report's 339 recommendations focused on reducing the number of Indigenous people in police custody, as two-thirds of deaths in custody investigated occurred in police custody rather than in prison.<sup>174</sup></p>
1991	<p><b>RACIST VIOLENCE: REPORT OF THE NATIONAL INQUIRY INTO RACIST VIOLENCE IN AUSTRALIA</b></p> <p>The National Inquiry into Racist Violence examined an apparent increase in racially motivated violence against Aborigines and Torres Strait Islanders, commenting specifically on the ways in which this violence occurred at the hands of police in Queensland, Victoria and New South Wales. It made several recommendations at a national level, including the introduction of anti-racist policies and strategies in the police such as the recording of incidents and allegations of racist violence.<sup>175</sup></p>
1997	<p><b>BRINGING THEM HOME: NATIONAL INQUIRY INTO THE SEPARATION OF ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN FROM THEIR FAMILIES</b></p> <p>This report traced past laws, practices and policies which resulted in the removal of Indigenous children from their families. It examined the profound impacts of the removal of children, and found that most families had been affected, with between 1 in 3 and 1 in 10 Indigenous children forcibly removed from their families and communities between 1910 and 1970. It also examined the adequacy of current laws and processes in responding to the impacts of these removals.<sup>176</sup></p>
2007	<p><b>RESTORING ORDER: CRIME PREVENTION, POLICING AND LOCAL JUSTICE IN QUEENSLAND'S INDIGENOUS COMMUNITIES</b></p> <p>The Crime and Misconduct Commission conducted an independent inquiry into policing in discrete Indigenous communities following incidents in Palm Island and Aurukun. The report examined over-policing, under-policing and ways to increase police responses without further damaging relationships in communities. It noted the importance of Indigenous peoples in policing roles and the unique challenges faced by First Nations police members.</p> <p>Recommendations included recruiting Indigenous sworn police, consultation and collaboration between police and Indigenous communities on policing priorities and strategies, compulsory cultural training for all police officers serving in Indigenous communities, addressing inadequate police availability and responses, and encouraging officers in Queensland's Indigenous communities to participate in community life.<sup>177</sup></p>

YEAR	SUMMARY OF KEY FINDINGS AND RECOMMENDATIONS
RECENT RELEVANT REPORTS, AND KEY POLICY AND LEGISLATIVE AMENDMENTS	
2015	<p><b>THE BLUEPRINT FOR CHANGE</b></p> <p>This report highlighted the need to set justice targets for governments to work with First Nations communities, organisations and representatives in order to design and implement holistic early intervention and prevention strategies to reduce the incarceration rates of First Nations peoples. It emphasised the need for strategies to be grounded in an understanding of Aboriginal and Torres Strait Islander culture and identity, and recognition of the history of dispossession and trauma.<sup>178</sup></p>
2016	<p><b>ENFORCEMENT OF DOMESTIC VIOLENCE ORDERS IN QUEENSLAND'S DISCRETE INDIGENOUS COMMUNITIES</b></p> <p>The Queensland Police Service (QPS) and Public Safety Business Agency reviewed the enforcement of domestic and family violence orders in discrete communities, examining the use and enforcement of domestic violence protection orders by police, support provided to aggrieved parties and issues impeding the effectiveness of domestic violence protection orders in these communities.</p> <p>It recommended an external independent audit of police training to enhance officers' understanding of the dynamics of domestic and family violence as well as cultural awareness and sensitivities, sharing examples of good practice regarding police liaison officers involved in domestic and family violence work, improving communication between police and parties about domestic violence orders, particularly document service, increasing criminal prosecution of perpetrators and alerting prosecutors to expiring orders.<sup>179</sup></p>
2017	<p><b>OVER-REPRESENTED AND OVERLOOKED: THE CRISIS OF ABORIGINAL AND TORRES STRAIT ISLANDER WOMEN'S GROWING OVER-IMPRISONMENT</b></p> <p>The Human Rights Law Centre and Change the Record investigated the 250% increase in the imprisonment rate of Aboriginal and Torres Strait Islander women since RCIADIC.</p> <p>The report noted that while Aboriginal and Torres Strait Islander women are over-policed as perpetrators of crime, they are also under-policed and under-served by the justice system as victim-survivors of crime, including by police responses that minimise their experiences of violence.</p> <p>It made 18 recommendations to address racialised and gendered justice system outcomes, including that police in all states and territories prioritise:</p> <ul style="list-style-type: none"> <li>• the protection and support of Aboriginal and Torres Strait Islander women and children subject to violence</li> <li>• training that promotes appropriate responses to Aboriginal and Torres Strait Islander women as both victim-survivors and perpetrators</li> <li>• diversionary options for First Nations women</li> <li>• partnership programs between police and Aboriginal and Torres Strait Islander communities that build trust</li> <li>• regular education from First Nations peoples about the gendered impacts of colonisation and systemic discrimination and disadvantage, and how these impacts contribute to over-imprisonment.<sup>180</sup></li> </ul>
2017	<p><b>QUEENSLAND DOMESTIC VIOLENCE DEATH REVIEW AND ADVISORY BOARD 2016-17 ANNUAL REPORT</b></p> <p>This Report found that Aboriginal and Torres Strait Islander peoples were overrepresented among domestic and family violence homicide victims, with almost one-fifth of homicide victims identified as Aboriginal and/or Torres Strait Islander. The use of violence by First Nations victim-survivors was commonly misunderstood and when responded to by services, leading to increased vulnerabilities. Almost all First Nations women who were killed by their current or former partner were named as a respondent under a Domestic Violence Protection Order at the time of their death.<sup>181</sup></p>



YEAR	SUMMARY OF KEY FINDINGS AND RECOMMENDATIONS
RECENT RELEVANT REPORTS, AND KEY POLICY AND LEGISLATIVE AMENDMENTS	
2017	<p><b>‘INDIGENOUS INCARCERATION: UNLOCK THE FACTS’ REPORT</b></p> <p>PriceWaterhouseCoopers Indigenous Consulting, the Korin Gamadji Institute and Change the Record found that domestic and family violence has been a key driver of increasing Indigenous incarceration since RCIADIC. The Report also found that Indigenous youth are less likely to receive a police caution compared with non-Indigenous youth offenders.</p> <p>The report recommended mainstream services should be culturally aware and responsive, and that all initiatives regarding Indigenous communities must involve Indigenous peoples in the design, implementation, delivery and evaluation.<sup>182</sup></p>
2018	<p><b>UNDERSTANDING POLICE-INDIGENOUS RELATIONS IN REMOTE AND RURAL AUSTRALIA: POLICE PERSPECTIVES</b></p> <p>Anna Dwyer analysed discriminatory policing practices which cause poor relationships between police and Indigenous peoples and communities, and lead to higher rates of criminalisation and police intervention in Aboriginal and Torres Strait Islander lives.</p> <p>Dwyer considered social factors such as community structure, organisational frameworks and police culture, and their influence on police in remote and rural Indigenous communities.</p> <p>Interviews conducted with police revealed that most officers had minimal or limited knowledge of historical relationships between police organisations and Indigenous communities in Australia.<sup>183</sup></p>
2018	<p><b>PATHWAYS TO JUSTICE: INQUIRY INTO THE INCARCERATION RATE OF ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES</b></p> <p>The Australian Law Reform Commission (ALRC) highlighted the importance of equality before the law, Aboriginal and Torres Strait Islander leadership, and the economic and social costs of incarceration. It made 35 recommendations to reduce the disproportionate rate of incarceration of Aboriginal and Torres Strait Islander peoples. In particular, the ALRC recommended police in all states and territories:</p> <ul style="list-style-type: none"> <li>• fund Justice Reinvestment</li> <li>• train officers engaging with First Nations peoples and communities in best practice for responding to family violence</li> <li>• review police procedures and practices so the law is enforced fairly, equally and without discrimination</li> <li>• review police complaints handling mechanisms</li> <li>• provide specific cultural awareness training for police working in areas with significant First Nations populations</li> <li>• ensure police practices and procedures do not disproportionately contribute to the incarceration of Aboriginal and Torres Strait Islander peoples</li> <li>• increase First Nations employment within police</li> <li>• provide lessons from successful collaboration between police and First Nations peoples</li> <li>• undertake careful and timely succession planning for the replacement of key police personnel with effective relationships with First Nations communities</li> <li>• improve public reporting on community initiatives</li> <li>• implement Reconciliation Action Plans.<sup>184</sup></li> </ul>

YEAR	SUMMARY OF KEY FINDINGS AND RECOMMENDATIONS
RECENT RELEVANT REPORTS, AND KEY POLICY AND LEGISLATIVE AMENDMENTS	
2018	<p><b>CLOSING THE GAP PRIME MINISTER'S REPORT</b></p> <p>This report identified the need to address the high rates of family violence and violence in Indigenous communities as a key to improving outcomes in other areas.</p> <p>It highlighted the Federal Government's investment in addressing the underlying factors that lead to high rates of offending and incarceration for Aboriginal and Torres Strait Islanders, and its continued support to upgrade airstrips in the Torres Strait to improve police response times.<sup>185</sup></p>
2020	<p><b>WIYI YANI U THANGANI (WOMEN'S VOICES): SECURING OUR RIGHTS, SECURING OUR FUTURE REPORT</b></p> <p>The result of a multi-year consultation and research project by June Oscar, Aboriginal and Torres Strait Islander Social Justice Commissioner, and the Australian Human Rights Commission. Compiling interviews from approximately 2000 First Nations women and girls across Australia, Oscar and the AHRC presented a comprehensive summary and analysis of the issues faced by First Nations women and girls, and outlined the necessary systemic reforms.</p> <p>The report recognised the direct and indirect racism and over-policing experienced by First Nations women and girls, and the biased decision-making underlying system responses to First Nations peoples and communities.</p> <p>The report also highlighted First Nations women and girls' mistrust and fear of the police, police inaction, police discrimination and targeting, deaths in custody, conditions in watchhouses and prison, and the impacts of incarceration.</p> <p>The report recommended independent research and analysis to identify systemic and institutional racism, discrimination and bias. Other recommendations included:</p> <ul style="list-style-type: none"> <li>• increase and retain Aboriginal and Torres Strait Islander women in leadership roles within the police force</li> <li>• ensure Aboriginal and Torres Strait Islander women Police Liaison Officers are available to all police forces</li> <li>• embed trauma-informed, culturally responsive training, and family violence responsive training in police organisations.</li> </ul> <p>An implementation framework was released in 2021.<sup>186</sup></p>
2020	<p><b>UNDERSTANDING THE ROLE OF LAW AND CULTURE IN ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES IN RESPONDING TO AND PREVENTING FAMILY VIOLENCE</b></p> <p>This ANROWS research report recognised that the experience of domestic and family violence within Aboriginal and Torres Strait Islander communities is shaped by the specific and historical contexts of colonisation, systemic disadvantage, cultural dislocation, forced removal of children, and the intergenerational impacts of trauma.</p> <p>Domestic and family violence for First Nations peoples and communities requires a distinct and tailored set of responses across multiple fronts, led by Aboriginal communities and centred in Aboriginal and Torres Strait Islander cultural values and worldviews.</p> <p>While the report made no specific recommendations for police, its recommendations included culturally intelligent justice and prevention work, and greater collaboration with Cultural Elders, representatives and agencies.<sup>187</sup></p>
2020	<p><b>THE NATIONAL AGREEMENT ON 'CLOSING THE GAP'</b></p> <p>The National Agreement sets national targets and indicators for the reduction and elimination of disparities in health and life expectancy of Aboriginal and Torres Strait Islander peoples, including reducing the rate of Aboriginal and Torres Strait Islander adults held in custody by at least 15% by 2031, and reducing family violence against Aboriginal and Torres Strait Islander women and children by at least 50%, and towards zero, by 2031.<sup>188</sup></p>

YEAR	SUMMARY OF KEY FINDINGS AND RECOMMENDATIONS
RECENT RELEVANT REPORTS, AND KEY POLICY AND LEGISLATIVE AMENDMENTS	
2020	<p><b>ACCURATELY IDENTIFYING THE PERSON MOST IN NEED OF PROTECTION IN DOMESTIC AND FAMILY VIOLENCE LAW</b></p> <p>ANROWS researchers undertook an in-depth case study of Queensland police and legislation, including interviews with police, support workers, magistrates, and women with lived experience of being misidentified as a respondent.</p> <p>Their research revealed that accurate identification of the aggrieved and respondent is impacted by police culture and stereotypical assumptions about victim behaviour and the ideal victim. Aboriginal and Torres Strait Islander women are particularly vulnerable to misidentification due to societal and systemic racism.</p> <p>Police may also misidentify the person most in need of protection when they focus on single incidents of visible or physical violence rather than the parties' history of violence.</p> <p>The report recommended that police be required to gain an understanding of Aboriginal and Torres Strait Islander peoples' use of violence and resistance to police intervention.<sup>189</sup></p>
2020	<p><b>RESPONDING TO DOMESTIC AND FAMILY VIOLENCE: A QUALITATIVE STUDY ON THE CHANGING PERCEPTIONS OF FRONTLINE POLICE OFFICERS</b></p> <p>This report by Griffith University examined the impact of repeated domestic and family violence callouts on police officers' perceptions of their well-being and their levels of consistent empathy and emotional detachment.</p> <p>It recommended interventions that simultaneously decrease organisational job demands, improve workplace climate and support systems, and promote officers' personal resources to help cultivate a healthy and engaged workforce that is better equipped to cope with domestic and family violence.<sup>190</sup></p>
2021	<p><b>QUEENSLAND'S FRAMEWORK FOR ACTION: RESHAPING OUR APPROACHES TO ABORIGINAL AND TORRES STRAIT ISLANDER DOMESTIC AND FAMILY VIOLENCE</b></p> <p>This Queensland Government framework provides specific strategies and initiatives to achieve a community free from domestic and family violence. The three primary strategies focus on shifting community attitudes and behaviours, enhancing service responses and strengthening justice system responses, and implementing targeted responses to Aboriginal and Torres Strait Islander domestic and family violence.</p> <p>The framework strategies include partnerships with communities to:</p> <ul style="list-style-type: none"> <li>• utilise the knowledge and experience of Aboriginal and Torres Strait Islander peoples</li> <li>• engage Aboriginal and Torres Strait Islander community controlled organisations to deliver services and programs that are culturally appropriate and trauma-informed</li> <li>• monitor and evaluate changes in outcomes for First Nations families experiencing violence.<sup>191</sup></li> </ul>
2021	<p><b>CONNECTING THE DOTS: THE SENTENCING OF ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES IN QUEENSLAND</b></p> <p>The Queensland Sentencing Advisory Council examined the sentencing of Aboriginal and Torres Strait Islander peoples in Queensland and the overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system. It provided a statistical overview of the peoples and offences sentenced, as well as the distribution of penalties using data from the Queensland courts database between 2005–06 and 2018–19.</p> <p>While the report made no specific recommendations for police responding to First Nations peoples, it highlighted intersecting issues and the experiences of Aboriginal and Torres Strait Islander peoples within the criminal justice system.<sup>192</sup></p>

YEAR	SUMMARY OF KEY FINDINGS AND RECOMMENDATIONS
RECENT RELEVANT REPORTS, AND KEY POLICY AND LEGISLATIVE AMENDMENTS	
2021	<p><b>WOMEN'S SAFETY AND JUSTICE TASKFORCE - HEAR HER VOICE: REPORT 1 - ADDRESSING COERCIVE CONTROL AND DOMESTIC AND FAMILY VIOLENCE IN QUEENSLAND</b></p> <p>The first report of the Taskforce examined coercive control and presented a four-phase plan for legislating coercive control in Queensland.</p> <p>The report found that some First Nations peoples may avoid contacting the police, even when faced with great risks from domestic and family violence, due to historical or continuing negative relationships with police.</p> <p>It also found that police lack sufficient levels of cultural capability to appropriately respond to domestic and family violence involving First Nations peoples, and do not know enough about the dynamics, complexities and types of domestic and family violence.</p> <p>The Taskforce recommended police implement ongoing domestic and family violence training that is evidence-based and trauma-informed with a focus on cultural capability.</p> <p>It also recommended a review of the current police risk assessment process in consultation with First Nations stakeholders to identify additional factors relevant to First Nations peoples.<sup>193</sup></p>
2021	<p><b>PATHWAYS TO SAFETY: THE CASE FOR A DEDICATED FIRST NATIONS WOMEN'S SAFETY PLAN - WRITTEN BY ABORIGINAL AND TORRES STRAIT ISLANDER WOMEN, FOR ABORIGINAL AND TORRES STRAIT ISLANDER WOMEN</b></p> <p>This report by Change the Record and the National Family Violence Prevention and Legal Services Forum identified the need for a specific national plan to end violence against women and their children for First Nations women and communities that centres the needs of First Nations women and children, noting that top-down government responses to family violence make things worse, not better, for First Nations women, children and communities.</p> <p>The report highlighted that police were an inappropriate first point of contact for Aboriginal and Torres Strait Islander women experiencing violence, and the barriers to reporting such as distrust of the state, lack of cultural competence and safety in mainstream services, fear of child removal, and fear of social and cultural isolation and poverty.</p> <p>Recommendations included:</p> <ul style="list-style-type: none"> <li>• systemic changes to allow victim-survivors choice in support and accountability beyond police and criminal justice interventions, including referrals to family violence prevention legal services</li> <li>• ending the criminalisation of and over-incarceration of Aboriginal and Torres Strait Islander women</li> <li>• implementing the recommendations of the '<i>Over-represented and Overlooked</i>' report<sup>194</sup></li> <li>• establishing a nationally consistent, mandatory Aboriginal and Torres Strait Islander child protection notification and referral system to help keep families together and reduce child removals.<sup>195</sup></li> </ul>
2022	<p><b>WOMEN'S SAFETY AND JUSTICE TASKFORCE - HEAR HER VOICE: WOMEN AND GIRLS' EXPERIENCES ACROSS THE CRIMINAL JUSTICE SYSTEM (REPORT TWO)</b></p> <p>The Taskforce's second report examined women and girls' experiences across the criminal justice system, and the barriers they face as both victims and accused persons.</p> <p>The Taskforce recommended improving the cultural capability and communication skills of QPS officers and staff working with First Nations peoples, and ensuring police access appropriate and effective translation and interpreting services for First Nations peoples.</p> <p>It also recommended the QPS consult with First Nations peoples and people with lived experience to develop and implement a 'Safer Systems Pathway' program in to promote victim-centred and trauma informed approaches review the QPS Operational Procedures Manual and other existing policy and procedures.<sup>196</sup></p>

YEAR	SUMMARY OF KEY FINDINGS AND RECOMMENDATIONS
RECENT RELEVANT REPORTS, AND KEY POLICY AND LEGISLATIVE AMENDMENTS	
2022	<p><b>ENGENDERING JUSTICE: THE SENTENCING OF WOMEN AND GIRLS IN QUEENSLAND</b></p> <p>The Queensland Sentencing Advisory Council examined emerging trends and patterns in the sentencing of women and girls in Queensland and the factors leading to their contact with the justice system.</p> <p>It highlighted intersecting issues and the experiences of Aboriginal and Torres Strait Islander peoples within the criminal justice system, including an increase of 30.7% over 10 years in the number of women and girls proceeded against by Queensland Police, compared to an 8% increase in the number of men and boys over the same period.</p> <p>Aboriginal and Torres Strait Islander women and girls have experienced the highest overall growth in imprisonment rates over the last 40 years, largely due to changes to justice policies and practices, such as more stringent bail conditions.<sup>197</sup></p>
2022	<p><b>POLICE INTELLIGENCE ASSESSMENT – DOMESTIC AND FAMILY VIOLENCE IN MT ISA</b></p> <p>This intelligence assessment examined the characteristics and cultural dynamics of Aboriginal and Torres Strait Islander domestic and family violence in Mt Isa and made recommendations to improve responses to incidents in the region.</p> <p>It highlighted the prevalence of violence in juvenile relationships, the impact of poverty and homeless on increasing rates of domestic and family violence, common relationship dynamics and characteristics, and the lack of supervision of domestic and family violence files by supervising officers.<sup>198</sup></p>



# APPENDIX J

## Conduct and complaints handling – a review of relevant reports, policies and legislative amendments

### RELEVANT REPORTS, AND KEY POLICY AND LEGISLATIVE AMENDMENTS RELEVANT TO PART D OF THE COMMISSION'S TERMS OF REFERENCE

YEAR	SUMMARY OF KEY FINDINGS AND RECOMMENDATIONS
FOUNDATIONAL REPORTS	
1989	<p><b>COMMISSION OF INQUIRY INTO POSSIBLE ILLEGAL ACTIVITIES AND ASSOCIATED POLICE MISCONDUCT REPORT (FITZGERALD REPORT)</b></p> <p>The Fitzgerald Report was the most comprehensive investigation into police corruption in Queensland's history, with testimony from 339 witnesses given over 238 days of public hearings.</p> <p>The report recommended the abolition of existing integrity structures such as the Police Misconduct Tribunal and the Queensland Police's Internal Investigations Section and introduction of a new system of independent oversight of police and public-sector conduct.<sup>199</sup></p>
1989	<p><b>CREATION OF THE CRIMINAL JUSTICE COMMISSION (CJC)</b></p> <p>The Queensland Government established the CJC in 1989 to:</p> <ul style="list-style-type: none"><li>• investigate and discipline misconduct by public officials and police</li><li>• investigate and provide intelligence on major criminal activity including organised crime</li><li>• administer Queensland's witness protection scheme</li><li>• provide research and policy advice on issues relating to criminal justice.</li></ul> <p>In 1997, its Major Crime function was transferred to a new body, the Queensland Crime Commission (QCC), and in 2001, it merged with the QCC to become the Crime and Misconduct Commission (CMC).</p>
1993-1994	<p><b>CJC EVALUATION: INFORMAL COMPLAINT RESOLUTION IN THE QUEENSLAND POLICE SERVICE: PROGRESS REPORT</b></p> <p>In 1993, the Queensland Police Service (QPS) and the Official Misconduct Division of the CIC developed a system of resolving complaints known as 'informal resolution' or IR. This involved an independent third-party conciliator 'informally' liaising between the complainant and the officer they complained about to provide context and explanation for the officer's actions, or to afford the opportunity for apologies to be given where appropriate.</p> <p>IR was only to be used when the complaint was relatively minor such as:</p> <ul style="list-style-type: none"><li>• incivility, rudeness, or obscene language</li><li>• minor traffic breaches</li><li>• failing to provide a service or neglect of duty</li><li>• intimidating or oppressive conduct and</li><li>• minor assaults – but only where the CJC had approved the matter as suitable for IR.</li></ul> <p>A progress report in 1994 indicated that IR was proving to be a successful strategy for resolving these complaints.<sup>200</sup></p>

YEAR	SUMMARY OF KEY FINDINGS AND RECOMMENDATIONS
<b>FOUNDATIONAL REPORTS</b>	
<b>1996</b>	<p><b>REPORT ON THE REVIEW OF THE QUEENSLAND POLICE SERVICE (BINGHAM REVIEW)</b></p> <p>The Bingham Review was the third major review since the Fitzgerald Report into the management and organisational structure of the QPS. The Bingham Review examined methods for improving efficiency, effectiveness and accountability.</p> <p>The review identified multiple major failings within the QPS, many of which related to integrity measures. Among its many findings were that:</p> <ul style="list-style-type: none"> <li>• there was a lack of co-ordinated strategy among management to promote professional and ethical conduct</li> <li>• several issues contributed to widespread low morale including a lack of autonomy for frontline officers, a lack of corporate vision, and a promotion system that was often ‘inward-looking’</li> <li>• the discipline system was overly punitive, did not resolve complaints in a timely fashion and resulted in inconsistent imposition of sanctions.</li> </ul> <p>The review made 197 recommendations in relation to organisational structure, education and training, police activities and the integrity and discipline system, including that the QPS develop clear policy documents setting out standards and guidelines for disciplinary matters, improve its ethical training and develop its capability for monitoring the ethical health of the organisation.<sup>201</sup></p>
<b>1999-2000</b>	<p><b>CJC &amp; QPS REPORT: PROJECT RESOLVE FINAL EVALUATION REPORT</b></p> <p>In 1999, the CJC and the QPS Ethical Standards Command (ESC) trialled Managerial Resolution for less serious complaints (now referred to as Local Management Resolution or LMR). Managerial Resolution involved supervisors providing specific guidance and training to officers under their command, rather than having a complaint progress through a formal investigation. The evaluation report concluded that Managerial Resolution resulted in a significant reduction in the time taken to deal with complaints, similar levels of complainant satisfaction to Informal Resolution, and a resource saving caused by the reduced demand for investigations by the CJC.<sup>202</sup></p>
<b>2000-2001</b>	<p><b>PARLIAMENTARY CRIMINAL JUSTICE COMMITTEE (PCJC)’S ISSUES PAPER &amp; THREE YEARLY REVIEW OF THE ACTIVITIES OF THE CJC</b></p> <p>In 2000, the Parliamentary Criminal Justice Committee (PCJC) published an issues paper seeking feedback on the introduction of the devolution principle. The PCJC considered that feedback in its three yearly review of the activities of the CJC, which ultimately recommended that the CJC continue to devolve responsibility for the handling of complaints to the QPS, with the caveat that the CJC should retain an oversight role.<sup>203</sup></p>
<b>2001</b>	<p><b>INTEGRITY IN THE QUEENSLAND POLICE SERVICE: REFORM UPDATE</b></p> <p>In 2001, the CJC reported that whilst overall standards of police behaviour had improved over the previous decade and young police officers appeared to be increasingly aware of potential ethical issues, there remained several issues and risks including:</p> <ul style="list-style-type: none"> <li>• the continued detection of drug-related corruption in the QPS</li> <li>• the serious risk posed by unauthorised access to and release of confidential information by officers</li> <li>• a continuing reluctance by many police to report their peers for poor behaviour, especially when that behaviour was perceived as ‘less serious’</li> <li>• the increasing rate of complaints relating to excessive use of force since the mid-1990s.</li> </ul> <p>The report recommended these issues be tackled through greater emphasis on tactical communication skills training to operational police, tighter controls on the management of seized property, police informants and covert operatives, cybersecurity improvements to QPS information systems, and better systems for identifying officers with complaints profiles that indicated patterns of behaviour.<sup>204</sup></p>

YEAR	SUMMARY OF KEY FINDINGS AND RECOMMENDATIONS
FOUNDATIONAL REPORTS	
2001	<p><b>LEGISLATIVE REFORM: <i>CRIME AND MISCONDUCT ACT 2001</i> (Qld)</b></p> <p>The <i>Crime and Misconduct Act 2001</i> (Qld) saw the CJC merged with the Queensland Crime Commission to form the Crime and Misconduct Commission (CMC) in 2002.</p> <p>Complaints were reclassified into two groups: police misconduct – which referred to behaviour that was ‘unbecoming’ of a police officer, demonstrated their unfitness to continue as a police officer or departed from the standards the community expects of a police officer – and official misconduct, which related to more serious conduct that, if proved, would amount to a criminal offence or grounds for terminating the subject’s employment.</p> <p>The Police Commissioner took over primary responsibility for complaints relating to police misconduct. The CMC retained responsibility for dealing with complaints relating to official misconduct (now known as corrupt conduct) but was given power to ‘devolve’ complaints back to the organisation complained about where appropriate.<sup>205</sup></p>
2008	<p><b>CMC REPORT: ENHANCING INTEGRITY IN THE QUEENSLAND POLICE SERVICE (PROJECTS CASTELLA &amp; GRINSPOON)</b></p> <p>In 2006 and 2007, the CMC conducted a confidential review, codenamed ‘Project Castella’, to assess the extent of misconduct in a single police district.</p> <p>After finding evidence of inappropriate behaviour, the CMC and the QPS undertook Project Grinspoon, a joint initiative to develop mechanisms to respond to and prevent unethical conduct in the QPS. The recommendations from Project Grinspoon are now a matter of public record, having been tabled in Parliament in 2010.</p> <p>Project Grinspoon identified a range of issues including:</p> <ul style="list-style-type: none"> <li>• a lack of objective and honest performance appraisals by supervisors</li> <li>• a lack of effective supervision, in part caused by the lack of support for officers transitioning into managerial or supervisory roles</li> <li>• an inability for the QPS to flexibly redeploy members in response to conduct issues</li> <li>• limitations on the Commissioner’s powers to dismiss officers in connection with performance or integrity issues.</li> </ul> <p>The review made 36 recommendations, including that legislation be amended to give the Police Commissioner the authority to dismiss officers for:</p> <ul style="list-style-type: none"> <li>• engaging in substantial misconduct</li> <li>• engaging in ongoing behaviour that is considered unsuitable for a police officer</li> <li>• consistently underperforming or being unresponsive to remedial action.<sup>206</sup></li> </ul>
2010	<p><b>SETTING THE STANDARD</b></p> <p>The CMC’s general review of the QPS complaints and discipline system identified a range of areas for improvement in the QPS’s integrity systems, including:</p> <ul style="list-style-type: none"> <li>• under-resourcing of QPS internal investigations, evidenced by a low ratio of investigators-to-QPS members, and the workload of those investigators</li> <li>• the need for a complaints management system which records how complaints are handled in a way that is both easy to use and allows for comprehensive data and trend analysis to occur</li> <li>• the continued application of the wrong evidentiary standard in disciplinary matters and failure to accept unqualified admissions of officers.</li> </ul> <p>The CMC made 11 recommendations including:</p> <ul style="list-style-type: none"> <li>• empowering the Police Commissioner to dismiss an officer on the basis of ‘loss of confidence’</li> <li>• implementing a Standard of Practice which includes indicative sanctions for types of conduct</li> <li>• revoking the power to suspend disciplinary sanctions</li> <li>• updating policies, procedures, guidelines and training materials given to officers who administer the discipline system to ensure that: <ul style="list-style-type: none"> <li>- admissions by subject officers are properly acted upon</li> <li>- complaints are correctly assessed in accordance with legal principles</li> <li>- the language used in disciplinary files appropriately reflects the seriousness of the matters.<sup>207</sup></li> </ul> </li> </ul>

YEAR	SUMMARY OF KEY FINDINGS AND RECOMMENDATIONS
FOUNDATIONAL REPORTS	
2011	<p><b>INDEPENDENT REVIEW: <i>SIMPLE EFFECTIVE TRANSPARENT STRONG</i></b></p> <p>The Queensland Government appointed an independent panel to review QPS policies and procedures and make specific recommendations to ensure the QPS conduct and complaints system was ‘simple, effective, transparent and strong’.</p> <p>The report found that <i>“the Queensland police complaints, discipline and misconduct system is dysfunctional and unsustainable. Complainants and police are subjected to a complex, administratively burdensome, overly legalistic and adversarial process that is dishonoured by chronic delays, inconsistent and disproportionate outcomes.”</i></p> <p>The independent panel identified many failings, including:</p> <ul style="list-style-type: none"> <li>• the Ethical Standards Command’s practice of referring complaints about an officer to be investigated by officers stationed in the same local district or station</li> <li>• the CMC’s tendency to prioritise the devolution of complaints back to the QPS over the public interest in having complaints independently investigated when assessing the appropriate way complaints should be handled</li> <li>• the extent to which devolution, initially intended for minor complaints, had been used in relation to complaints about serious misconduct.</li> </ul> <p>The independent panel also recommended the introduction of a specific QPS Code of Conduct and Standard of Practice, reviews of ethical and professional conduct training, and the introduction of drug and alcohol testing.</p> <p>Many of its findings reiterated those made by previous reports about recurring issues and persistent problems.<sup>208</sup></p>
2014	<p><b>LEGISLATIVE REFORM: <i>CRIME AND MISCONDUCT AND OTHER LEGISLATION AMENDMENT ACT 2014 (Qld)</i></b></p> <p>In 2014 the <i>Crime and Misconduct Act 2001</i> (Qld) was retitled the <i>Crime and Corruption Act 2001</i> (Qld) and the Crime Misconduct Commission (CMC) was renamed the Crime and Corruption Commission (CCC).</p> <p>The definition of ‘corruption’ was updated. The concept of ‘official misconduct’ was replaced with the more comprehensively defined concept of ‘corrupt conduct’, although the definition of ‘police misconduct’ remained consistent.<sup>209</sup></p>
2015	<p><b>TASKFORCE BLETCHLEY</b></p> <p>Taskforce Bletchley was established by the QPS following significant media coverage of allegations of excessive use of force by police on the Gold Coast. The Taskforce reviewed complaints relating to use of force and made recommendations to improve the overall handling of complaints within the QPS.</p> <p>As well as identifying problems within the leadership and middle management of QPS, the Taskforce found that information was entered inconsistently in the complaints management system, with some files failing to record the name of decision makers or their rationales for decisions.</p> <p>The Taskforce recommended that QPS build the capacity of early intervention systems to monitor and detect misconduct, streamline processes for reporting complaints and improve record-keeping practices throughout the complaints handling process.<sup>210</sup></p>

YEAR	SUMMARY OF KEY FINDINGS AND RECOMMENDATIONS
FOUNDATIONAL REPORTS	
2019	<p><b>LEGISLATIVE REFORM: POLICE SERVICE ADMINISTRATION (DISCIPLINE REFORM) AND OTHER LEGISLATION AMENDMENT ACT 2019 (Qld)</b></p> <p>In 2019 the Government simplified police disciplinary procedures by repealing the <i>Police Service (Discipline) Regulations 1990</i> (Qld) and consolidating the disciplinary rules into existing legislation.<sup>211</sup></p> <p>Rehabilitating officers who had engaged in misconduct became a primary focus, with disciplinary sanctions imposed where necessary.<sup>212</sup> The rationale for prioritising the rehabilitation of officers was to ensure that police and the public could have confidence in the disciplinary system.<sup>213</sup></p> <p>Some of the specific reforms included:</p> <ul style="list-style-type: none"> <li>• requiring the Police Commissioner to consider whether a professional development strategy should be imposed before considering any disciplinary action in response to a complaint about an officer's conduct<sup>214</sup></li> <li>• a new power to allow the CCC to appeal to QCAT a decision of the Commissioner of Police not to institute disciplinary proceedings against a particular officer<sup>215</sup></li> <li>• expanding the range of disciplinary sanctions available to be imposed upon an officer to include: <ul style="list-style-type: none"> <li>- suspension from duty without pay for a period not exceeding 12 months</li> <li>- disciplinary probation</li> <li>- demotion for a specified period (in addition to permanent demotion)</li> <li>- comprehensive transfer</li> <li>- local transfer</li> <li>- performance of up to 100 hours community service</li> <li>- increasing the maximum fine from 2 penalty units to 50 penalty units.<sup>216</sup></li> </ul> </li> </ul>
2021	<p><b>WOMEN'S SAFETY AND JUSTICE TASKFORCE REPORT HEAR HER VOICE: REPORT 1</b></p> <p>Whilst it did not specifically examine the police complaints and discipline system, the Taskforce recommended that the QPS consult with domestic and family violence and First Nations stakeholders and people with lived experience of domestic and family violence to develop and implement a victim-focused and trauma-informed complaints process to allow victim-survivors to make a complaint safely and confidentially against sworn or non-sworn QPS staff.</p> <p>The Taskforce also recommended that the QPS publish annual data about the complaints it receives and the outcomes of those complaints.<sup>217</sup></p>
2022	<p><b>LET THE SUNSHINE IN: REVIEW OF CULTURE AND ACCOUNTABILITY IN THE QUEENSLAND PUBLIC SECTOR</b></p> <p>Although it did not specifically deal with police integrity, Professor Coaldrake's independent review into culture and accountability in the public sector examined broader integrity structures within the Queensland Public Service. He highlighted two issues in relation to the complaints process:</p> <ul style="list-style-type: none"> <li>• the apparent confusion over how complaints should be apportioned between the CCC and other agencies, and the related question of whether the devolution principle was being appropriately applied in practice</li> <li>• the perception that the CCC had focussed on matters that are either not a priority or that would be better handled by another integrity body.</li> </ul> <p>Fourteen recommendations were made to improve the 'patchwork' of integrity bodies in Queensland. The cornerstone of these recommendations was the establishment of a 'clearing house' to ensure that complaints are referred to the appropriate organisations for handling and provide a single point-of-contact for the public to submit and monitor their complaints.<sup>218</sup></p>



YEAR	SUMMARY OF KEY FINDINGS AND RECOMMENDATIONS
FOUNDATIONAL REPORTS	
2022	<p><b><i>COMMISSION OF INQUIRY RELATING TO THE CRIME AND CORRUPTION COMMISSION</i></b></p> <p>In response to public criticism of the CCC's handling of corruption allegations at the Logan City Council, the Honourable Tony Fitzgerald AC KC and the Honourable Alan Wilson KC were tasked with reviewing the structure of the CCC and the legislation, procedures, practices and processes affecting its investigatory and prosecutorial activities.</p> <p>While the Commission found that the use of seconded police within the CCC was appropriate and should continue with greater flexibility, it also recommended that steps be taken to 'civilianise' the investigative workforce within the Corruption Division of the organisation. It also recommended legislative changes to require the CCC to obtain the opinion of the Director of Public Prosecutions before bringing charges, as well as a range of improvements to compliance mechanisms. It was noted that the use and number of seconded police used by the CCC in Queensland was different and in excess of any other Australian state. <sup>219</sup></p>

# APPENDIX K

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## ENDNOTES - APPENDICES

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- <sup>3</sup> Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2021.
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- <sup>6</sup> Transcript of Proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2137: lines 9–13].
- <sup>7</sup> Transcript of Proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2137: lines 16–22].
- <sup>8</sup> Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2017; 2018; 2019; 2020 and 2021.
- <sup>9</sup> Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2021.
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- <sup>12</sup> Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2021.
- <sup>13</sup> Subsequent highlights reports did not include a response rate for this question.
- <sup>14</sup> Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2021.
- <sup>15</sup> Various highlights reports provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.003, requested 10 June 2022.
- <sup>16</sup> Various highlights reports provided by the Queensland Police Service in response to the Commission Requirement, NTP 2.003, requested 10 June 2022 (emphasis added).
- <sup>17</sup> Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2021.
- <sup>18</sup> Queensland Government, *Working for Queensland Survey Highlights Report – Queensland Police Service* (Highlights Report, 2021) [pp 5, 16].
- <sup>19</sup> Queensland Government, *Working for Queensland Survey Highlights Report – Queensland Police Service* (Highlights Report, 2021) [pp 5, 14].
- <sup>20</sup> Queensland Government, *Working for Queensland Survey Highlights Report – Queensland Police Service* (Highlights Report, 2021) [pp 5, 12].
- <sup>21</sup> Transcript of Proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2225: line 38 – p 2226: line 14] emphasis added.
- <sup>22</sup> Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2021.
- <sup>23</sup> Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2021.
- <sup>24</sup> Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2021.
- <sup>25</sup> Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2021.
- <sup>26</sup> Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2021.
- <sup>27</sup> Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2021.
- <sup>28</sup> Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2021.
- <sup>29</sup> Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2021.
- <sup>30</sup> Queensland Government, *Working for Queensland Survey Highlights Report – Queensland Police Service* (Highlights Report, 2021) [p 2].
- <sup>31</sup> Queensland Government, *Working for Queensland Survey Highlights Report – Queensland Police Service* (Highlights Report, 2021) [p 5].
- <sup>32</sup> Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2021.
- <sup>33</sup> Transcript of Proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2225: line 38 – p 2226: line 14].
- <sup>34</sup> Queensland Government, *Working for Queensland Survey Highlights Report – Queensland Police Service* (Highlights Report, 2021) [p 15].
- <sup>35</sup> Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2021.
- <sup>36</sup> Queensland Government, *Working for Queensland Survey Highlights Report – Queensland Police Service* (Highlights Report, 2021) [p 4].
- <sup>37</sup> Queensland Government, *Working for Queensland Survey Highlights Report – Queensland Police Service* (Highlights Report, 2021) [p 13].
- <sup>38</sup> Queensland Government, *Working for Queensland Survey Highlights Report – Queensland Police Service* (Highlights Report, 2021) [p 13].
- <sup>39</sup> Queensland Government, *Working for Queensland Survey Highlights Report – Queensland Police Service* (Highlights Report, 2021) [p 14].
- <sup>40</sup> Queensland Government, *Working for Queensland Survey Highlights Report – Queensland Police Service* (Highlights Report, 2021) [p 23].
- <sup>41</sup> Queensland Government, *Working for Queensland Survey Highlights Report – Queensland Police Service* (Highlights Report, 2021) [p 23].
- <sup>42</sup> Queensland Government, *Working for Queensland Survey Highlights Report – Queensland Police Service* (Highlights Report, 2020) [p 23].
- <sup>43</sup> Queensland Government, *Working for Queensland Survey Highlights Report – Queensland Police Service* (Highlights Report, 2021) [p 25].
- <sup>44</sup> Queensland Government, *Working for Queensland Survey Highlights Report – Queensland Police Service* (Highlights Report, 2021) [p 25].
- <sup>45</sup> Queensland Government, *Working for Queensland Survey Highlights Report – Queensland Police Service* (Highlights Report, 2021) [p 23]; As noted in the preceding paragraph, the 2020 survey combined sexual harassment and bullying into the one question recording 21% confirming they had witnessed these behaviours. The 2021 survey separated these behaviours, recording 24% confirming they had witnessed bullying and 5% recording they had witnessed sexual harassment.
- <sup>46</sup> Queensland Government, *Working for Queensland Survey Highlights Report – Queensland Police Service* (Highlights Report, 2021) [p 27].
- <sup>47</sup> Transcript of Proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2227: lines 2–5].
- <sup>48</sup> Transcript of Proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2142: lines 34–41].
- <sup>49</sup> Transcript of Proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2226: lines 19–23].
- <sup>50</sup> Transcript of Proceedings, Commissioner Katarina Carroll, 6 October 2022, Brisbane [p 2228: lines 10–12].
- <sup>51</sup> Queensland Government, *Working for Queensland Survey Highlights Report – Queensland Police Service* (Highlights Report, 2021) [p 9].
- <sup>52</sup> Queensland Government, *Working for Queensland Survey Highlights Report – Queensland Police Service* (Highlights Report, 2021) [p 5].
- <sup>53</sup> Queensland Government, *Working for Queensland Survey Highlights Report – Queensland Police Service* (Highlights Report, 2021) [p 12].
- <sup>54</sup> Queensland Government, *Working for Queensland Survey Highlights Report – Queensland Police Service* (Highlights Report, 2021) [p 12].
- <sup>55</sup> Queensland Government, *Working for Queensland Survey Highlights Report – Queensland Police Service* (Highlights Report, 2021) [p 12].
- <sup>56</sup> Queensland Government, *Working for Queensland Survey Highlights Report – Queensland Police Service* (Highlights Report, 2021) [p 12].
- <sup>57</sup> Queensland Government, *Working for Queensland Survey Highlights Report – Queensland Police Service* (Highlights Report, 2021) [p 13].
- <sup>58</sup> Transcript of Proceedings, Commissioner Katarina Carroll, 5 October 2022, Brisbane [p 2137: lines 26–36].
- <sup>59</sup> Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2021.
- <sup>60</sup> In the following discussion about the Nous results: **For positively geared questions:** ‘positive responses’ refers to ‘agree’ and ‘strongly agree’ ratings, ‘neutral’ refers to ‘neither agree nor disagree’ and ‘negative responses’ refers to ‘disagree’ and ‘strongly disagree’ ratings. **For negatively geared questions** (such as Q17 – *I feel burnt out by the amount of DFV calls for service I am required to attend to*): ‘agree’ and ‘strongly agree’ ratings reflect a negative sentiment; neutral sentiments refer to ‘neither agree nor disagree’ and ‘disagree’ and ‘strongly disagree’ ratings reflect a positive sentiment. For example, ‘agree’ and ‘strongly agree’ responses to Q17 means the respondents DO feel burnt out; while responses of ‘disagree’ or ‘strongly disagree’ means respondents DO NOT feel burnt out.
- <sup>61</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 14].
- <sup>62</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 4].
- <sup>63</sup> Queensland Police Service DFQ Survey 2022, conducted by Nous Group, July 2022.
- <sup>64</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 6].
- <sup>65</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 7].
- <sup>66</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 10].
- <sup>67</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 11].
- <sup>68</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 12].
- <sup>69</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 13].
- <sup>70</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 14].
- <sup>71</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 15].
- <sup>72</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 16].
- <sup>73</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 54].
- <sup>74</sup> Exhibit 1.1, Statement of Assistant Commissioner Brian Codd, Tender Bundle A, tendered 11 July 2022 [p 12].
- <sup>75</sup> For example, from the 2018 survey results: **Theme 2:** Strong empathy and understanding of vulnerable persons and their interaction with DFV should be leveraged and translated into action. **Theme 11:** QPS members across the operations regions are looking to capitalise on DFV expertise from QPS members with specialist DFV knowledge. Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2018. From the 2022 survey results: **Theme 4:** There is a desire and readiness to develop a more effective police response to DFV. **Theme 11:** Members would value closer relationships with partners and services (especially after hours). Queensland Police Service DFV-Q Survey 2022, conducted by Nous Group, July 2022.
- <sup>76</sup> Nous Group, *QPS DFV-Q findings report* (2018) [p 18].
- <sup>77</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 12].

- <sup>78</sup> Nous Group, *QPS DFV-Q findings report* (2018) [p 26].
- <sup>79</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 12].
- <sup>80</sup> Nous Group, *QPS DFV-Q findings report* (2018) [p 27].
- <sup>81</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 13].
- <sup>82</sup> Nous Group, *QPS DFV-Q findings report* (2018) [p 23].
- <sup>83</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 51].
- <sup>84</sup> Nous Group, *QPS DFV-Q findings report* (2018) [p 20].
- <sup>85</sup> Nous Group, *QPS DFV-Q findings report* (2018) [p 21].
- <sup>86</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 71].
- <sup>87</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 71].
- <sup>88</sup> Nous Group, *QPS DFV-Q findings report* (2018) [p 19].
- <sup>89</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 51].
- <sup>90</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 82].
- <sup>91</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [pp 19-20].
- <sup>92</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [pp 19-20].
- <sup>93</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [pp 19-20].
- <sup>94</sup> For example, through Exhibit 17.1, Mark Ainsworth, *Report into interviews conducted with police officers and civilian officers in relation to the Independent Commission of Inquiry into the Queensland Police Service responses to domestic and family violence* (21 July 2022), Tender Bundle K, tendered 27 July 2022 [p 2]. This document is subject to an Order for Non-Publication made on 27 July 2022 – see Exhibit C; Nous Group, *QPS DFV-Q findings report* (29 August 2022); Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2021.
- <sup>95</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022)
- <sup>96</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 14].
- <sup>97</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 82].
- <sup>98</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 14].
- <sup>99</sup> Nous Group, *QPS DFV-Q findings report* (2018) [p 25].
- <sup>100</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 4].
- <sup>101</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 52].
- <sup>102</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 26].
- <sup>103</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 66].
- <sup>104</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 66].
- <sup>105</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022).
- <sup>106</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022).
- <sup>107</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 44].
- <sup>108</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 66].
- <sup>109</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 67].
- <sup>110</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 67].
- <sup>111</sup> For example, specialist positions include domestic and family violence coordinators/liaison officers.
- <sup>112</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022).
- <sup>113</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 68].
- <sup>114</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 68].
- <sup>115</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022).
- <sup>116</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022).
- <sup>117</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022).
- <sup>118</sup> For example, through Exhibit 17.1, Mark Ainsworth, *Report into interviews conducted with police officers and civilian officers in relation to the Independent Commission of Inquiry into the Queensland Police Service responses to domestic and family violence* (21 July 2022), Tender Bundle K, tendered 27 July 2022 [p 2]. This document is subject to an Order for Non-Publication made on 27 July 2022 – see Exhibit C; Nous Group, *QPS DFV-Q findings report* (29 August 2022); Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2021.
- <sup>119</sup> For example, through Exhibit 17.1, Mark Ainsworth, *Report into interviews conducted with police officers and civilian officers in relation to the Independent Commission of Inquiry into the Queensland Police Service responses to domestic and family violence* (21 July 2022), Tender Bundle K, tendered 27 July 2022 [p 2]. This document is subject to an Order for Non-Publication made on 27 July 2022 – see Exhibit C; Nous Group, *QPS DFV-Q findings report* (29 August 2022); Working for Queensland Survey – Queensland Police Service, conducted by the Public Service Commission, 2021.
- <sup>120</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 59]: “As it did in 2018, as rank increases, agreement that QPS members personally have the required skills and knowledge decreases”; Nous Group, *QPS DFV-Q Findings report* (29 August 2022) [p 57]: “confidence in knowledge decreases as rank increases”.
- <sup>121</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 74]: In response to Q20 – “My actions in my role make a difference in reducing DFV in my area”, overall 32.3% disagreed in 2018 compared to 36.6% in 2022 overall, while 49.6% constables disagreed; 48.1% of senior constables disagreed.
- <sup>122</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 74].
- <sup>123</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 51].
- <sup>124</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 51].
- <sup>125</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 78]: Highest proportion of positive responses was for FYCs (76.9%) and lowest was for Senior Constable (43.1%); Constable (59.6%); Sergeant (48.5%); Senior Sergeant (47.8%).
- <sup>126</sup> This question recorded high numbers of neutral responses over both survey periods.
- <sup>127</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022).
- <sup>128</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022).
- <sup>129</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 50].
- <sup>130</sup> These quotes are indicative of free-text quotes on this issue: Nous Group, *QPS DFV-Q findings report* (29 August 2022).
- <sup>131</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 57].
- <sup>132</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 59].
- <sup>133</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 60].
- <sup>134</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 65].
- <sup>135</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022).
- <sup>136</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 63].
- <sup>137</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022).
- <sup>138</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022).
- <sup>139</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 83].
- <sup>140</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 83].
- <sup>141</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 84].
- <sup>142</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022).
- <sup>143</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 83].
- <sup>144</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 86].
- <sup>145</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022).
- <sup>146</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 86].
- <sup>147</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 87].
- <sup>148</sup> Steering Committee for the Review of Government Service Provision, *Report on Government Services 2022* (Productivity Commission Report, 25 January 2022).
- <sup>149</sup> Steering Committee for the Review of Government Service Provision, *Report on Government Services 2022* (Productivity Commission Report, 25 January 2022).
- <sup>150</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 69].
- <sup>151</sup> Nous Group, *QPS DFV-Q findings report* (29 August 2022) [p 69].
- <sup>152</sup> Dismissal is an available disciplinary sanction under s7.34 *Police Services Administration Act 1990* (Qld), but no powers exist for the Commissioner to dismiss an officer on grounds of loss of confidence.
- <sup>153</sup> *Police Act 1990* (NSW) s 181D.
- <sup>154</sup> Part 4, Div 6 of the *Victoria Police Act 2013* provides a power for the Commissioner to dismiss a police officer on grounds that the Commissioner reasonably believes the officer is incapable of performing their duties, but not for Commissioner’s loss of confidence more broadly.
- <sup>155</sup> Section 46 of the *Police Act 1998* (SA) provides a power to dismiss an officer for unsatisfactory performance, but not for the Commissioner’s loss of confidence.
- <sup>156</sup> *Police Service Act 2003* (Tas) ss 30 & 31.
- <sup>157</sup> *Police Act 1892* (WA) s 33L.

- <sup>158</sup> Section 78 of the *Police Administration Act 1978* (NT) empowers the Police Commissioner to dismiss an officer from the Police Force on public interest grounds where the Commissioner is 'of the opinion' a member has committed a breach of discipline.
- <sup>159</sup> ACT Policing is a division of the Australian Federal Police (AFP). Section 28 of the *Australian Federal Police Act 1979* (ACT) provides that the Commissioner of the AFP may terminate the employment of an AFP employee at any time by notice in writing. However, these terminations are subject to the provisions of the *Fair Work Act 2009* which prevent dismissals that are "harsh, unjust or unreasonable." Section 40K of the *Australian Federal Police Act 1979* (ACT) provides the power for the AFP Commissioner to dismiss an AFP employee on grounds that they engaged in 'serious misconduct.'
- <sup>160</sup> Section 74 of the *Policing Act 2008* (NZ) permits the Commissioner to medically retire a police officer, and s 70 permits the Commissioner to remove employees subject to employment law. A specific power does not exist in relation to Commissioner's loss of confidence.
- <sup>161</sup> Dismissal is available as a sanction in Northern Ireland following a misconduct proceeding pursuant to s 36 of *The Police (Conduct) Regulations (Northern Ireland) 2016* (NI).
- <sup>162</sup> *Evidence Act 1977* (Qld) s 21A. Date of commencement 22 October 2015.
- <sup>163</sup> 'Legislative Changes', Department of Justice and Attorney-General (Web Page, 26 October 2022) <<https://www.justice.qld.gov.au/initiatives/end-domestic-family-violence/our-progress/strengthening-justice-system-responses/legislative-changes>>
- <sup>164</sup> *Domestic and Family Violence Protection Act 2012* (Qld) s 177. Date of commencement 22 October 2015.
- <sup>165</sup> *Penalties and Sentences Act 1992* (Qld) s 12A. Date of commencement 1 December 2015.
- <sup>166</sup> *Criminal Code Act 1899* (Qld) s 315A. Date of commencement 5 May 2016.
- <sup>167</sup> *Penalties and Sentences Act 1992* (Qld) s 9(10A). Date of commencement 5 May 2016. *Domestic and Family Violence Protection Act 2012* (Qld) pt 5A. Date of commencement 30 May 2017.
- <sup>168</sup> *Domestic and Family Violence Protection Act 2012* (Qld), pt 5A. Date of commencement 30 May 2017.
- <sup>169</sup> *Domestic and Family Violence Protection Act 2012* (Qld), s 169F. Date of commencement 30 May 2017.
- <sup>170</sup> *Domestic and Family Violence Protection Act 2012* (Qld), ss 101–113. Date of commencement 30 May 2017.
- <sup>171</sup> *Domestic and Family Violence Protection Act 2012* (Qld), s 97. Date of commencement 30 May 2017.
- <sup>172</sup> *Domestic and Family Violence Protection Act 2012* (Qld), s 31 and part 6. Date of commencement 25 November 2017.
- <sup>173</sup> *Domestic and Family Violence Protection Act 2012* (Qld), ss 178 & 179. Date of commencement 30 May 2017.
- <sup>174</sup> Royal Commission into Aboriginal Deaths in Custody, *Final Report Volume 1* (Report, Vol 1, 15 April 1991).
- <sup>175</sup> National Inquiry into Racist Violence, *Racist Violence* (27 March 1991).
- <sup>176</sup> National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families, *Bringing Them Home* (Report, April 1997).
- <sup>177</sup> Crime and Misconduct Commission, *Restoring Order: Crime prevention, policing and local justice in Queensland's Indigenous communities* (Report, 30 November 2015).
- <sup>178</sup> Change the Record Coalition, *Blueprint for Change* (Report, 30 November 2015).
- <sup>179</sup> Public Safety Business Agency and Queensland Police Service, *Enforcement of Domestic Violence Orders in Queensland's Discrete Indigenous Communities* (Report, April 2016).
- <sup>180</sup> Change the Record and the Human Rights Law Centre, *Over-represented and Overlooked: the crisis of Aboriginal and Torres Strait Islander women's growing over-imprisonment* (Report, May 2017).
- <sup>181</sup> Domestic and Family Violence Death Review and Advisory Board, *2016-17 Annual Report* (2017).
- <sup>182</sup> PriceWaterhouseCoopers' Indigenous Consulting, Change the Record Coalition and the Korin Gamadji Institute, *Indigenous incarceration: Unlock the facts* (Report, May 2017).
- <sup>183</sup> Anna Dwyer, 'Understanding Police-Indigenous relations in remote and rural Australia: Police perspectives' (Master of Philosophy Thesis, Queensland University of Technology, 2018).
- <sup>184</sup> Australian Law Reform Commission, *Pathways to Justice—Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (Final Report 133, December 2017).
- <sup>185</sup> Department of the Prime Minister and Cabinet, *Closing the Gap Prime Minister's Report* (2018).
- <sup>186</sup> Australian Human Rights Commission, *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing our Future* (Report, 2020).
- <sup>187</sup> Harry Blagg et al, *Understanding the role of Law and Culture in Aboriginal and Torres Strait Islander communities in responding to and preventing family violence* (ANROWS Research Report, Issue 19, June 2020).
- <sup>188</sup> Coalition of Aboriginal and Torres Strait Islander Peak Organisations and all Australian Governments, *National Agreement on Closing the Gap Agreement* (Report, July 2020).
- <sup>189</sup> Heather Nancarrow et al, *Accurately Identifying the "person most in need of protection" in domestic and family violence law* (ANROWS Research Report, Issue 23, November 2020).
- <sup>190</sup> Emily Maple and Mark Kebbell, 'Responding to Domestic and Family Violence: A Qualitative Study on the Changing Perceptions of Frontline Police Officers' (2021) 27(12-13) *Violence against women* 2377.
- <sup>191</sup> Queensland Government, *Queensland's Framework for Action: Reshaping our approach to Aboriginal and Torres Strait Islander domestic and family violence* (2021).
- <sup>192</sup> Queensland Sentencing Advisory Council, *Connecting the Dots: The sentencing of Aboriginal and Torres Strait Islander peoples in Queensland* (Report, March 2021).
- <sup>193</sup> Women's Safety and Justice Taskforce, *Hear her voice: Report 1 – Addressing coercive control and domestic and family violence in Queensland* (Report One, December 2021).
- <sup>194</sup> Change the Record Coalition and the Human Rights Law Centre, *Over-represented and overlooked: the crisis of Aboriginal and Torres Strait Islander women's growing over-imprisonment* (Report, May 2017).
- <sup>195</sup> *Change the Record Coalition, Pathways to Safety: the case for a dedicated First Nations Women's Nations Safety Plan – written by Aboriginal and Torres Strait Islander women, for Aboriginal and Torres Strait Islander Women* (Report, 2021).
- <sup>196</sup> Women's Safety and Justice Taskforce, *Hear her voice: Report 2 – Women and girls' experiences across the criminal justice system* (Report Two, July 2022).
- <sup>197</sup> Queensland Sentencing Advisory Council, *Engendering justice: The sentencing of women and girls in Queensland* (Sentencing Profile Report No 4, 17 August 2022).
- <sup>198</sup> Intelligence Assessment – Domestic and Family Violence in the Mount Isa District, 19 September 2022, provided by Queensland Police Service in response to the Commission Requirement, NTP 2.068, Item 1, requested 29 September 2022.
- <sup>199</sup> G E Fitzgerald, *Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct* (Report of a Commission of Inquiry Pursuant to Orders in Council, 29 June 1989).
- <sup>200</sup> Criminal Justice Commission, *Informal Complaint Resolution in the Queensland Police Service* (Progress Report, February 1994).
- <sup>201</sup> Queensland Police Service Review Committee, *Report on the Review of the Queensland Police Service* (Report, 1996).
- <sup>202</sup> CJC Research and Prevention Division and QPS Review and Evaluation Unit, *Project Resolve Final Evaluation Report* (Brisbane, 2001), cited in Crime and Misconduct Commission, *Handling complaints against Queensland police: Past, present and future* (Monitoring Integrity in the Queensland Police Service, No. 2, August 2004).
- <sup>203</sup> Parliamentary Criminal Justice Committee, *Report 55: Three Yearly Review of the activities of the CJC* (Report 55, 19 March 2001).
- <sup>204</sup> Criminal Justice Commission, *Integrity in the Queensland Police Service: QPS Reform Update* (Reform Update Report, Vol 1, March 2001).
- <sup>205</sup> *Crime and Misconduct Act 2001* (Qld).
- <sup>206</sup> Crime and Misconduct Commission, *Enhancing Integrity in the Queensland Police Service* (Report, 2008).
- <sup>207</sup> Crime and Misconduct Commission, *Setting the Standard: A review of current processes for the management of police discipline and misconduct matters* (Report, December 2010).
- <sup>208</sup> Simone Webbe, Glen Williams and Felix Greyson, *Simple, Effective, Transparent, Strong: An independent review of the Queensland police complaints, discipline and misconduct system* (Report by the Independent Expert Panel, May 2011).
- <sup>209</sup> *Crime and Misconduct and Other Legislation Amendment Act 2014* (Qld).
- <sup>210</sup> Queensland Police Service, *Taskforce Bletchley* (Report, 2015).
- <sup>211</sup> *Police Service Administration (Discipline Reform) and Other Legislation Amendment Act 2019* (Qld).
- <sup>212</sup> Explanatory Notes, *Police Service Administration (Discipline Reform) and Other Legislation Amendment Bill 2019* (Qld).
- <sup>213</sup> Explanatory Notes, *Police Service Administration (Discipline Reform) and Other Legislation Amendment Bill 2019* (Qld).
- <sup>214</sup> *Police Service Administration Act 1990* (Qld) ss 7.5, 7.30; Explanatory Notes, *Police Service Administration (Discipline Reform) and Other Legislation Amendment Bill 2019* (Qld).
- <sup>215</sup> *Police Service Administration (Discipline Reform) and Other Legislation Amendment Act 2019* (Qld) s 28, inserting *Crime and Corruption Act 2001, Chapter 5 Part 3*; Explanatory Notes, *Police Service Administration (Discipline Reform) and Other Legislation Amendment Bill 2019* (Qld).
- <sup>216</sup> *Police Service Administration Act 1990* (Qld) s 7.34; Explanatory Notes, *Police Service Administration (Discipline Reform) and Other Legislation Amendment Bill 2019* (Qld).
- <sup>217</sup> Women's Safety and Justice Taskforce, *Hear her voice: Report 1 – Addressing coercive control and domestic and family violence in Queensland* (Report One, December 2021).
- <sup>218</sup> Peter Coaldrake, *Let the sunshine in: Review of culture and accountability in the Queensland public sector* (Final Report, 28 June 2022).
- <sup>219</sup> G E Fitzgerald and A Wilson, *Commission of Inquiry relating to the Crime and Corruption Commission Report* (Report, 9 August 2022).





